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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 19-CR-286(AMD)

Plaintiff, :

-against- : United States Courthouse
Brooklyn, New York

ROBERT SYLVESTER KELLY, :

Defendant. : September 15, 2021
9:30 a.m.

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TRANSCRIPT OF TRIAL
BEFORE THE HONORABLE ANN M. DONNELLY
UNITED STATES DISTRICT JUDGE, and a jury.

APPEARANCES:

For the Government: JACQUELYN M. KASULIS, ESQ
Acting United States Attorney
BY: ELIZABETH GEDDES, ESQ.
NADIA SHIHATA, ESQ.
MARIA E. CRUZ MELENDEZ, ESQ.
Assistant United States Attorneys
271 Cadman Plaza East
Brooklyn, New York

For THE DEFENDANT: DEVEREAUX L. CANNICK, ESQ.
NICOLE BLANK BECKER, ESQ.
THOMAS FARINELLA, ESQ.
CALVIN HAROLD SCHOLAR, ESQ.

Court Reporter: SOPHIE NOLAN
225 Cadman Plaza East/Brooklyn, NY 11201
NolanEDNY@aol.com

*Proceedings recorded by mechanical stenography, transcript
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1 (In open court.)

2 (The Hon. Ann M. Donnelly, presiding.)

3 (Defendant present.)

4 (The following occurs outside the presence of the jury.)

5 THE COURT: Let's have the witness take the stand
6 and let's get the jury.

7 (Witness takes the stand.)

8 (Jury enters.)

9 THE COURTROOM DEPUTY: You may be seated.

10 THE COURT: Good morning, everybody. We are ready
11 to continue with the direct examination of the witness.

12 Go ahead.

13 THE COURTROOM DEPUTY: The witness is reminded he is
14 still under oath.

15 THE WITNESS: Yes, ma'am.

16 (Continued on the following page.)

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1 RYAN CHABOT,

2 called as a witness, having been previously duly

3 sworn, was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MS. GEDDES:

6 MS. GEDDES: The Government offers Government
7 Exhibit 130(e) which are just five pages of Government Exhibit
8 130(b) which is in evidence.

9 MR. CANNICK: No objection.

10 THE COURT: Okay. That's in evidence.

11 (Government Exhibit 130(e) received in evidence.)

12 BY MS. GEDDES:

13 Q Yesterday you testified about a cellular telephone that
14 Ms. Pace provided to the Government. Do you recall that
15 testimony?

16 A I do.

17 Q Have you had a chance to review the contents of
18 Government Exhibit 210 which is that cellular telephone?

19 A I have.

20 Q And what was the last -- what was the date of the last
21 outgoing text message on Government Exhibit 210?

22 A February 4, 2010.

23 MS. GEDDES: The Government offers Government
24 Exhibits 412, 413 and 414.

25 THE COURT: Any objection?

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1 MR. CANNICK: None.

2 THE COURT: Okay. Those are in evidence.

3 (Government Exhibits 412, 413 and 414 received in
4 evidence.)

5 BY MS. GEDDES:

6 Q Generally speaking where were those three exhibits,
7 413 -- I'm sorry, that was 412, 413, and 414 recovered from?

8 A A safe inside the storage unit at 360 Kent Avenue.

9 MS. GEDDES: And may I publish briefly?

10 THE COURT: Yes.

11 MS. GEDDES: This can go to everyone.

12 (Exhibit published.)

13 BY MS. GEDDES:

14 Q This appears to be a purported Lexington Nursing Home ID
15 for Jerhonda M. Johnson as a nursing assistant to expire on
16 January 9, 2010. And where my finger is pointing it indicates
17 a DOB of 04/19/90.

18 Is that the correct birthday of Ms. Johnson?

19 A No.

20 Q What is her correct birthday?

21 A The year is wrong so it's April 19th of 1993.

22 Q And I'm showing you what's in evidence as Government
23 Exhibit 413. And have you had a chance to review the
24 Government Exhibit 413?

25 A I have.

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1 Q And I want to direct your attention -- this is a
2 certification of birth for Jerhonda Monique Johnson and the
3 date of birth again is listed as April 19, 1990. And when
4 Government Exhibit 413, 412 and 414 were found in the safe
5 within the storage facility, were the actual documents found
6 or were they copies as provided here?

7 A Just these copies.

8 Q And by the way, Jerhonda Johnson, is that the same person
9 as Jerhonda Pace who testified here?

10 A Yes, it is.

11 Q Pace is her married name?

12 A Correct.

13 Q And the storage -- the safe from within the storage
14 facility where these items were found, that's the safe used by
15 the defendant that was searched on January 9, 2020?

16 A Correct.

17 MR. CANNICK: Objection.

18 THE COURT: Overruled?

19 PROSPECTIVE JUROR: Correct.

20 Q And I am now showing what's in evidence as Government
21 Exhibit 414?

22 (Exhibit published.)

23 Q And, again, it lists -- this is -- purports to be an
24 Illinois ID card for this individual Jerhonda Monique Johnson
25 with a DOB of 04/19/90 and, again, what is the correct year of

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1 her birth?

2 A 1993.

3 Q Have you had a chance to look at the ID number that's
4 listed on this document?

5 A I have.

6 Q And it states 5254-3390-712J.

7 Now, are you familiar with what if any numbers
8 within that ID document reflect the year of birth?

9 A I am.

10 Q Which numbers there reflect the year of birth?

11 A It would be the nine and the zero and in the center set
12 of numbers, so 3390. 90 would be standing for 1990.

13 Q And we're going to zoom in on that 90. So have you
14 had -- well, I am showing what's also now in evidence as
15 Government Exhibit 820 and there's -- in the upper right-hand
16 corner it lists a DLID number. Is that DLID the same as the
17 number listed on Government Exhibit 414 under ID number?

18 A No.

19 Q How is it different?

20 A In this document you are showing me, the 3390 in the
21 middle is different on the other document, the actual DMV
22 document. It's 3393.

23 Q The 93 for the date of birth of 1993?

24 A Correct.

25 Q And have you had a chance to look at Government Exhibit

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1 414?

2 A I have.

3 Q And what, if anything, did you notice just from your
4 review of Government Exhibit 414 with respect to the ID
5 number?

6 A It appears as if the zero -- the three has been changed
7 to a zero.

8 MS. GEDDES: The Government offers Government
9 Exhibit 511, 968 and 967 and I can --

10 MR. CANNICK: No objection.

11 THE COURT: All right. That's in evidence.

12 (Government Exhibit 511, 968 and 967 received in
13 evidence.)

14 (Exhibit published.)

15 BY MS. GEDDES:

16 Q I'm showing Government Exhibit 511. What does that show?

17 A The Barclays Center.

18 Q Here in Brooklyn?

19 A Yes.

20 MS. GEDDES: The Government offers Government
21 Exhibit 927 and 973.

22 MR. CANNICK: No objection.

23 THE COURT: Okay. That's in evidence.

24 (Government Exhibits 927 and 973 received in
25 evidence.)

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1 BY MS. GEDDES:

2 Q I'm showing --

3 MS. GEDDES: The Government offers 514(b).

4 THE COURT: Any objection?

5 MR. CANNICK: No objection.

6 THE COURT: It's in evidence.

7 (Government Exhibit 514(b) received in evidence.)

8 (Exhibit published.)

9 BY MS. GEDDES:

10 Q I'm showing what's in evidence as Government Exhibit
11 514(a) and 514(b). Do you recognize those photographs?

12 A I do.

13 Q What are they photographs of?

14 A The Mandarin Hotel and specifically room 1803 inside that
15 hotel.

16 Q Who took those photographs?

17 A I did.

18 Q And did you take the other photographs that are contained
19 within 514(c) through 514(i)?

20 A I did.

21 Q And when you took those photographs, what was the
22 condition of the room?

23 A It was occupied, but no one was present.

24 Q I'm showing what's in evidence as Government Exhibit 311.

25 (Exhibit published.)

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1 Q Where was Government's Exhibit 311 found again?

2 A Trump Towers apartment 48-Frank, F as in Frank.

3 Q And the writing is in yellow, but I'm going to try to
4 read a position of it. Where my pen is pointing it states: I
5 am going to be 20 soon. I hate myself for taking us through
6 that. To look in your eyes and see the reasons you are so
7 angry breaks my heart for being so stupid.

8 And I am not going to read the whole thing. I am
9 reading certain excerpts from here.

10 THE COURT: I think fix the light. It's very hard
11 to see.

12 Folks, first of all, this is in evidence and you
13 will surely have the opportunity to read the contents of it.

14 If you want to read from it, it's perfectly fine but
15 it's difficult to see.

16 MS. GEDDES: I will just read a portion and then it
17 will obviously be in evidence for the jury's review.

18 BY MS. GEDDES:

19 Q There's another section that reads: You should not have
20 to deal with and then it -- there's a little bit more, women
21 would pride, and skipping a bit, and women who don't respect
22 you, women who are prideful. And another line is written: I
23 am so stupid and dumb.

24 Going onto the third page it reads: I know lately I
25 have been forgetful of the protocols and rules you have. I

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1 know that I am 19 but I have been around you nearly -- for you
2 nearly three years and I am truly ashamed that I am not like
3 Juice or nowhere near, I know.

4 And then going on to a portion on the fourth page it
5 reads: I was wrong and the things I want I don't deserve
6 because I know I am the one that continues to mess up. I need
7 to learn to be better lately. You have not been yourself.
8 You are doing everything more to please the world and I get
9 it, but I am supposed to inspire you and I have not did that.
10 I have not made you happy. I have not made you fall deeper in
11 love with me. I have not challenged and stimulated your mind.
12 I have not positively motivated you in a long time. I am not
13 pursuing my duty as a woman and there is no need for me to be
14 around you if I am only making you more or choosing not to
15 listen. So I truly need to think long and hard and figure out
16 what I need to do to enhance both me and you.

17 And then turning to another excerpt at the bottom of
18 page five it reads: God knows I hate myself. I am truly
19 sorry for putting you through unnecessary headaches. I am
20 sorry for not being the image I am supposed to be. I know I
21 have been all over the place messing up in multiple places not
22 following instructions, being goofy, being extra, being
23 careless. I am hurt and I wish I could just rewind time. I
24 know I can only move forward but I am so heartbroken.

25 I am showing what is easier to read and what is in

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1 evidence -- to the jury only, please.

2 (Exhibit published to jury only.)

3 MS. GEDDES: This is in evidence as Government
4 Exhibit 455.

5 BY MS. GEDDES:

6 Q Where was Government Exhibit 455 found?

7 A That was in the storage unit.

8 Q That was searched on January 9, 2020?

9 A Correct.

10 Q And at the bottom without reading the name, who did that
11 individual testify as here in this trial?

12 A Jane.

13 MS. GEDDES: And I am going to read it and I am
14 going to substitute the name listed for Jane: Robert, this is
15 Jane. I am sorry I had to leave, but I have done some things
16 that I just know you cannot forgive me for. I have been
17 stealing money from the stash you had told me about and I have
18 been spending some and saving thousands as well. I was
19 selling your jewelry too when I could because it was just a
20 rush and fun to do but I feel terrible and I hope that one day
21 you can forgive me. I know I have stolen over \$30,000 and I
22 am so ashamed.

23 I know you will never be able to forgive me for
24 something like that but I just wanted you to know why I had to
25 leave the way I did. I am so sorry Robert. And then it's

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1 signed with a signature for Jane.

2 I am now showing Government Exhibit 302.

3 BY MS. GEDDES:

4 Q Where was Government Exhibit 302 found?

5 A Trump Towers apartment 48-F as in Frank.

6 MS. GEDDES: This can be shown publicly.

7 And can I approach briefly?

8 THE COURT: You need the court reporter?

9 MS. GEDDES: No, to the witness.

10 THE COURT: Certainly.

11 (Counsel approaches.)

12 BY MS. GEDDES:

13 Q I'm showing you Government Exhibit 302. Did you have a
14 chance to see the condition of Government Exhibit 302?

15 A Can you bring it back?

16 Q Yes, I can. Sorry.

17 A Thank you.

18 Q Did you have a chance to see the condition of Government
19 Exhibit 302?

20 A I did.

21 Q What did it look like to you, what was the condition of
22 it?

23 A It looks like it's in good condition. There's protectors
24 on the left side to where the whole punches wouldn't get
25 ripped if it was in a binder.

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1 Q And where my pen is pointing, is that where the
2 protection is?

3 A Yes.

4 Q And is that on each page contained within Government
5 Exhibit 302?

6 A Correct.

7 MS. GEDDES: And I am going to flip to the final
8 page where it's dated 4/25/19 and there appears to be a
9 signature and I am just going to read an excerpt from that
10 starting where my pen is pointed. It reads: I never seen him
11 with any underage girls and I was with him every day from 18
12 to age 26.

13 And then beginning where my pen is pointed now: I
14 allowed my mom to get into my head and basically talk me into
15 taking money from R. Kelly and giving it to her to pay her
16 rent, phone bill and sometime money for her to shop and he
17 found out about it four or five times and every time I would
18 stop doing it, my mom would threaten me to hurt me and my
19 little brother and she would even sometimes even threaten to
20 kill the dog.

21 And turning on the second page, beginning where my
22 pen is pointed at the sheet it reads: She started
23 consistently trying to talk me into going on Lifetime, the
24 so-called docuseries calling *Surviving R. Kelly* and have me
25 lie on him and I would have -- I would tell her how I didn't

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1 want to have any part in that and she would go off on me,
2 period. She even started to threaten to put me on the
3 street.

4 Just looking at 302, again, the first line reads: I
5 am tired of seeing R. Kelly go through what he is going
6 through, especially when I know the truth.

7 I am showing what's in evidence now as Government
8 Exhibit 303 and it has that same line here: I am tired of
9 seeing R. Kelly go through what he is going through especially
10 when I know the truth and it goes on from here.

11 BY MS. GEDDES:

12 Q What, if anything, do you notice about the handwriting in
13 Government Exhibit 303 compared to Government Exhibit 302,
14 just generally speaking, the condition?

15 A It looks to be the same.

16 Q And fair to say that the handwriting in parts of it is
17 more sloppy in 303 than in 302?

18 MR. CANNICK: Objection.

19 THE COURT: Well, the jury can look at it and draw
20 their own conclusions.

21 Sustained.

22 MS. GEDDES: I am showing what's in evidence as
23 Government Exhibit 444.

24 (Exhibit published.)

25 BY MS. GEDDES:

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1 Q Where was Government Exhibit 444 held found?

2 A In the storage unit from January of 2020.

3 Q And I am not going to read the whole thing. I am just
4 going to read an excerpt starting from where my pen is and --

5 MS. GEDDES: Actually, before I do if we could
6 publish to the jury only for a moment?

7 (Exhibit published to jury only.)

8 Q There is a printed out name Dominique and then a last
9 name, and then below there a signature and then in parenthesis
10 it says (Niece). And turning back to the first page it reads:
11 I know I have to come clean about what V and I have been
12 doing -- what V and I been doing behind your back. I am so
13 sorry, I hope you can find it in your heart to forgive me. V
14 and I became close when one day, while we were on the van, she
15 opened up to me about how her father used to rape her when she
16 was a child.

17 And then continuing on starting where my pen is, it
18 reads: Over the last three years V and I have stolen over
19 \$20,000 from you along with jewelry... watches, chains and
20 diamond rings. V would give me all the jewelry so I could
21 sell it on Ebay. We would profit the money and split the cash
22 down the middle.

23 Turning back to the next page at the bottom where I
24 have my pen, it reads: I told my mom that you keep me locked
25 in hotel rooms and how I cannot go anywhere or you would beat

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1 me.

2 And then if we could show the last page to the jury
3 only, please.

4 (Exhibit published to jury only.)

5 MS. GEDDES: And again reading excerpts from here
6 starting where my pen is pointed, it reads: I wanted more and
7 when you turned me down sexually I got mad and wanted to hurt
8 you. I told V that and she told me she only wanted your money
9 because she was bitter on how she didn't deliver R. Kelly
10 lyrics in the studio, how you made her an assistant. V told
11 me she planned this idea from that day on. V told me that she
12 stole your studio key and plans to rob you. She plans to
13 leave the door unlocked and have masked men come and empty the
14 place at night while you are on tour. I planned to be the
15 getaway driver, since I know the area. V has it all mapped
16 out but I cannot and won't play a role in this. I need your
17 help. I know this is a lot to take in, please don't press
18 charges against me. I am so sorry, Robert. I don't want to
19 be in trouble. I am sorry.

20 And then again it's signed in print and then signed
21 a signature below.

22 MS. GEDDES: I'm showing what's in evidence as
23 Government Exhibit 445.

24 (Exhibit published.)

25 MS. GEDDES: And it reads: Please give to

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1 Mr. Kelly, urgent, on one side and turning it around, it
2 reads: Robert, for the last month I have taken 400 to \$500
3 from out of your backpack every week since I have been at your
4 studio. My mum told me she needed \$1,800 to get her Dodge
5 Durango truck fixed so I stole the money from you. I told my
6 mum I would and she told me to take an extra \$200 to pay her
7 cell phone bill and I did. I am so sorry. I hope one day you
8 will be able to forgive me.

9 Q Again, Government Exhibit 445, where was that found?

10 A The same storage unit.

11 MS. GEDDES: I am showing what's in evidence as
12 Government Exhibit 448 and I won't read the whole thing but it
13 starts at the top: Robert, if you do not give my mum and I
14 \$500,000 I will speak out to the press as an escaped victim of
15 the R. Kelly sex cult that my mom and I made up.

16 And then continuing where it says -- where my pen is
17 pointed: So I hope you are ready, if not pay us \$500,000 and
18 all of this can stop or hear the lies, lies like R. Kelly took
19 my phone he would text my mom pretending me. Lies like R.
20 Kelly would keep me locked in rooms; I only ate when I saw him
21 which would be three or four of days out of the week; I would
22 have to make my food stretch because I wasn't certain when I
23 would see him again. Lies like when R. Kelly did let me out,
24 he allowed me to freshen up just so we could have sex. Lie
25 after lie I will tell. That's just an example of what's next

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1 to come. \$500,000, all of this can stop. And then there's a
2 signature at the bottom.

3 I'm showing what's in evidence as Government Exhibit
4 308.

5 May I approach?

6 THE COURT: Yes.

7 (Counsel approaches.)

8 BY MS. GEDDES:

9 Q In Government Exhibit 308, which is in front of you,
10 there are -- can you tell us what the condition of 308 was
11 when that was recovered?

12 A It was torn up.

13 Q And there are 8 by 11 pages on the back of it, was that
14 there when it was recovered?

15 A No.

16 Q Who put that there?

17 A I did.

18 Q And you stated that it was torn up. How did you put that
19 back together?

20 A I sat at a table and put the pages back together.

21 Q Matching up the text?

22 A Yes.

23 Q And I'm putting -- just to begin, page four there appears
24 to be a signature and, again, this is a four-page handwritten
25 letter in ink. I'm not going to read the whole thing, but I

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1 will start where my pen is pointed: I do not like calling her
2 on someone else's phone private. I did not want her to ask me
3 why I am still calling her private when I so-called told her I
4 had a phone when she knows I do not.

5 And turning the page to page 2, beginning where my
6 pen is, it states: I know I cannot use having no phone isn't
7 not an excuse to why I do not say certain things, but texting
8 is more convenient than writing. When things happen, I tend
9 to forget to tell you because I cannot call, text, and I do
10 not see you every day. Like yesterday, Donny and June was on
11 the flight with us -- actually, could we do to the jury
12 only --

13 THE COURT: Yes.

14 (Exhibit published to jury only.)

15 MS. GEDDES: So continuing, like yesterday Donny and
16 June was on the flight with us and I noticed June on the ramp
17 where -- and then it has a nickname for the individual who
18 testified as Jane, and I had belief on his leash. I told --
19 and again it has the same nickname for Jane -- I told Jane and
20 we moved towards the back.

21 And then continuing to the third page. Again, I'm
22 not reading every part, but starting where my pen is pointed:
23 The reason why I do not check in with Diana about the doctor
24 because even if the doctor tells me I am clear and good to go,
25 it won't matter. And it continues from there.

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1 And then turning finally to page -- the final page
2 starting with the third to last line, it reads: Honestly, I
3 know I am not good enough for you but the love keeps us here.
4 Sorry again. And then it's signed.

5 I'm showing what's in evidence as Government's
6 Exhibit 446 and this can be shown to everyone.

7 (Exhibit published.)

8 MS. GEDDES: And on one side it says to you, and
9 then turning it over -- again, not reading the whole thing, it
10 reads in part: My behavior was disrespectful, extremely rude
11 and just wrong. My demons darken my heart and cast evil
12 spirits towards the girl -- girls, excuse me. Sorry cannot
13 even make up for what I've done, how I've treated them. I
14 acted like they were strangers as I never seen them before --
15 and I'm sorry, I apologize, can I do jury only?

16 THE COURT: And I take it you will substitute the
17 name we used --

18 MS. GEDDES: Yes. I acted like they were strangers
19 as if I never seen them before and no one deserves that,
20 especially not Jane. She is the sweetest girl, besides Juice,
21 who I've met in a long time.

22 And then it continues and at the last line it says:
23 This is my last apology letter. I am better than this.
24 Sorry. And it's signed again.

25 I'm showing what's in evidence as Government Exhibit

1 4 20. This can be shown to everyone.

2 (Exhibit published.)

3 MS. GEDDES: At the bottom is the signature and
4 then, again, just reading in part, it says: Daddy, how do we
5 gain trust if I cannot use the phone my father bought me to
6 look up things on my own in front of you? I am trying. I
7 need you to meet me halfway. I don't want to be passing notes
8 and having people look things up or having to talk or text
9 from other's phones when I'm about to turn 27. I am on your
10 team. When will my past be left in the past?

11 And it continues from there.

12 I am showing Government Exhibit 447, which is in
13 evidence.

14 (Exhibit published.)

15 MS. GEDDES: And it reads: I know you said that
16 once we leave for L.A., we will be gone for a minute -- and
17 then the next line is crossed out, and skipping to the next
18 line it says: Can I spend some time with my little brother
19 and mum before we leave -- and then the rest of that line is
20 crossed out. I did not have a phone so I know I could not go
21 out to meet them somewhere, so can they come by the studio?
22 Mum and I can for a few hours.

23 THE COURT: Can I see the parties at the side for a
24 minute without the court reporter?

25 (Pause in proceedings.)

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1 MS. GEDDES: Government Exhibits -- oh, I'm sorry,
2 Government Exhibit 430-A, 430-B, 430-C and 430-D, all of which
3 are in evidence, as well as 449, where were those Government
4 Exhibits found?

5 A The same storage unit.

6 MS. GEDDES: And I'm showing what's in evidence as
7 Government Exhibit 427.

8 I'm sorry, 428.

9 (Exhibit published.)

10 Q 428 appears to be in document protectors. How were
11 those -- where were those found and what was the condition in
12 which they were found?

13 A That's the condition they were found in the protectors.

14 THE COURT: Can I just ask a question?

15 In any instance where documents that you recovered
16 have protectors, is it fair to say that that's how they were
17 when you found them or did you put any protectors on anything?

18 THE WITNESS: That's how they were found, Your
19 Honor.

20 THE COURT: Okay, go ahead.

21 BY MS. GEDDES:

22 Q Did you make any alterations other than putting letters
23 back together that had been ripped up?

24 A No.

25 MS. GEDDES: The Government offers Government

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1 Exhibit 427.

2 MR. CANNICK: No objection.

3 THE COURT: Okay. That's in evidence.

4 (Government Exhibit 427 received in evidence.)

5 BY MS. GEDDES:

6 Q And Government Exhibits 424, 424-A, 424-B, 425 and 426
7 all of which are in evidence, where were those found?

8 A The same storage unit.

9 Q And Government Exhibits 456, 457, 458, 459, 460, 461,
10 which are all in evidence, where were those items recovered
11 from?

12 A The same storage unit.

13 Q Government Exhibit 331, which is in evidence, where was
14 that recovered from?

15 A Trump Towers, apartment 48F as in Frank.

16 THE COURT: Could I just clarify? I don't know if
17 you testified to this yesterday, but is it the case that all
18 of the items that are in the four hundreds are recovered from
19 the storage unit?

20 THE WITNESS: Yes, Your Honor.

21 THE COURT: And all of the ones that are three
22 hundred, those are from the Trump Tower apartment?

23 THE WITNESS: Yes, Your Honor.

24 THE COURT: Okay, go ahead.

25 MS. GEDDES: The Government offers Government

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1 Exhibits 401, 409 and 499.

2 MR. CANNICK: No objection.

3 THE COURT: Okay, those are in evidence.

4 (Government Exhibits 401, 409 and 499 received in
5 evidence.)

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7 (Continued on the following page.)

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Chabot - Direct - Geddes

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1 DIRECT EXAMINATION

2 BY MS. GEDDES: (Continuing)

3 MS. GEDDES: I just want to briefly publish
4 Government Exhibit 401.

5 The government offers 495(a), 497 -- I'm sorry,
6 497(a), 497(c), 497(e), 497(h), 497(f), 497(g) and 498.

7 THE COURT: Any objection?

8 MR. CANNICK: No.

9 THE COURT: Okay. Those are in evidence.

10 (Government's Exhibits 497(a), 497(c), 497(e),
11 497(h), 497(f), 497(g) and 498 were received in evidence.)

12 Q I'm showing what's in evidence as Government Exhibit 493,
13 as well as Government Exhibit 493 -- I'm sorry.

14 Yes, I'm showing the iPhone in evidence as
15 Government Exhibit 493 and then 497(a), which is now in
16 evidence.

17 Is 497(a) a forensic extract from the phone marked
18 as Government Exhibit 493?

19 A Yes, it is.

20 Q And the other exhibits, 497(c), (e), (h), (f), (g) and
21 498, are those also extracts from Government Exhibit 493?

22 A Correct.

23 Q Was the last telephone number assigned to that telephone,
24 493, the phone number listed here, (708) 490-8415?

25 A Yes, it was.

Chabot - Direct - Geddes

3657

1 Q And I'm showing what's in evidence as Government's
2 Exhibit 206(a).

3 Is that that same phone number where my pen is
4 pointed?

5 A It is.

6 MS. GEDDES: May I show this to the jury only,
7 please?

8 Q Directing your attention first to page 1 of 497(a), can
9 you see -- and I can approach if you would like, but can you
10 see what is shown in 497(a)?

11 A It's an attachment, a photo.

12 Q And was that attachment sent from one person to another
13 person?

14 A Yes. It was sent from the phone number ending in 8415.

15 Q To who?

16 A To the other participant that's saved under Diana
17 Copeland.

18 Q Ending in 2282?

19 A Correct.

20 Q And it says delivered 12/6/2017; is that correct?

21 A That's correct.

22 Q And turning to the second page, please, substituting the
23 name Jane where needed, can you please review what is shown in
24 this image?

25 And was this a screenshot or image that was sent

Chabot - Direct - Geddes

3658

1 from the 8415 phone to the phone number saved as Diana
2 Copeland?

3 A Yes.

4 Q Can you read that again, substituting the name Jane where
5 appropriate?

6 A Sure.

7 "You should pay close attention to the girls phones,
8 I would say especially Jane, and what exactly they do on
9 them."

10 Q And then is there another shot below that?

11 A Correct.

12 Q Can you read what is shown there?

13 A Sure.

14 "Show. I was pissed about seeing the girls in the
15 Sprinter. He didn't hit me for that though, but I feel like
16 that led up to him hitting --

17 Q And again, could you just use the name Anna where
18 appropriate? Sorry.

19 A -- "led up to him hitting Anna. The first time he hit me
20 was because I wasn't showing him empathy nor did I give him
21 eye contact when he cried. Then he said I was a real mother
22 fucker. He was high and drunk and I just wasn't in the mood
23 to pretend to care, so he squeezed my thigh and I pushed his
24 head back and he hit me in the chest."

25 "Omg. This shit is insane."

Chabot - Direct - Geddes

3659

1 Q I am showing Government Exhibits, which are in evidence
2 now, 497(c) and 497(e).

3 MS. GEDDES: Yes, to the jury only, please. I'm
4 sorry.

5 Q And beginning with 497(e), you already testified this was
6 a forensic extract from that same phone; is that correct?

7 A Correct.

8 Q And again, the participants listed there are the 8415
9 phone number, the one shown in Government Exhibit 493 or the
10 one used by 493, and then there is a phone number ending in
11 6694.

12 And again, using the name Anna where appropriate,
13 how is that number saved in the phone as?

14 A "Anna Don't Answer."

15 Q And there is a text message sent on December 15, 2017.
16 Who is that text message sent by?

17 A The 8415 number.

18 Q To that 6694 number?

19 A Correct.

20 Q And can you read it, please?

21 A Sure.

22 "Didn't mean to FaceTime you. It's DJ. You don't
23 know me, but I got information on yuh man's" -- zoom in a
24 little bit -- "and my people told me I should share it with
25 you. But if you not fuckin' with it, let me know, it's

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3660

1 whateva."

2 Q And then looking at 497(c), again for the jury only, are
3 those text messages exchanged between those same two numbers,
4 the one saved as "Anna Don't Answer" and the phone number
5 ending in 8415?

6 A Yes.

7 Q And can you -- in blue, are those text messages sent by
8 the 6694 number?

9 A Correct.

10 Q And the green are sent by 415?

11 A That's correct.

12 Q Can you just briefly read those exchange -- those
13 messages?

14 A Sure.

15 "DJ who? And what do you mean?"

16 Then, response from 8415: "I ain't trying to put my
17 name out there because I know this nigga, but you fucks with
18 Kellz, right?"

19 Then the response from the 6694: "What
20 information?"

21 Then the 8415 responded: "I know y'all on the way
22 to L.A. right now because he got some bitch, name starts with
23 a D, she be sneaking off to the side feeding information about
24 ya boy. But first of all, is this H?"

25 Q And flipping to the last page of that, can you just

Chabot - Direct - Geddes

3661

1 read -- well, here in blue, is that a text message that says,
2 "What about [REDACTED]?"

3 A Correct.

4 Q I'm sorry, "What about Jane?"

5 And the response says: Is that da shawty? I don't
6 know too much about her. I just know n-word keep her n two
7 other bitches hidden all the time and they just be posted up
8 and shit. But she say you and him fucking with each other
9 real hard. I ain't gonna lie -- and it continues on from
10 there; is that correct?

11 A Correct.

12 Q Now, did you get a chance to review other text messages
13 sent before and after the text messages sent from this 8415
14 phone number?

15 A I did.

16 Q And what, if anything, did you notice?

17 A In terms of conversations?

18 Q Who do they appear to be?

19 A It appears to be from the defendant.

20 Q Was the phone recovered from the --

21 MR. CANNICK: Object --

22 Q Where was the phone --

23 THE COURT: I think I heard a sound.

24 Were you objecting?

25 MR. CANNICK: I object to "it appeared to be from

Chabot - Direct - Geddes

3662

1 the defendant."

2 THE COURT: The objection to that is sustained.

3 Q Where was the phone recovered from, Government Exhibit
4 493?

5 A The storage unit.

6 Q And did you review text messages exchanged by this 8415
7 number with other individuals?

8 A Yes.

9 Q And I'm showing you Government Exhibit 497(g), which is
10 in evidence.

11 MS. GEDDES: To the jury only. Thank you.

12 Q And shown in 497(g), are those additional text messages
13 sent in or around the time that those text messages shown on
14 497(c) and (e) were sent?

15 MR. CANNICK: Objection. Sent, and sent from where
16 to whom?

17 MS. GEDDES: Sent from --

18 MR. CANNICK: By?

19 THE COURT: The documents are in evidence. She is
20 doing the direct examination. If you have a question on
21 cross, you can ask it, but the objection is overruled.

22 Q Does Government's Exhibit 497(g) reflect text messages
23 sent by the 8415 telephone number before and after those text
24 messages that are shown in 497(c) and (e)?

25 A Yes.

Chabot - Direct - Geddes

3663

1 Q And also within 497(g), do they include the text messages
2 shown in 497(c) and (e), just in a different format?

3 A They do.

4 Q And just as an example, turning to page 3, Item No. 19,
5 are those text messages sent by the 8415 number to a group of
6 numbers, including someone saved in the phone as Faith?

7 A Yes.

8 Q And that was also on December 15th of 2017?

9 A Correct.

10 Q And 497(h), which is in evidence.

11 MS. GEDDES: To the jury only, please.

12 Q Does 497(h) reflect the creation of a particular contact?

13 A It does.

14 Q And is that telephone number -- well, is the contact for
15 listed as the true name, but "Anna Don't Answer"?

16 A Yes.

17 Q And when was it created?

18 A December 15th of 2017.

19 Q The same day that those text messages were sent?

20 A Yes.

21 Q And also within Government Exhibit 493, that cellular
22 telephone, I am showing you Government Exhibit 497(f).

23 Do you recognize what's shown in Government Exhibit
24 497(f)?

25 A I do.

Chabot - Direct - Geddes

3664

1 Q What are those?

2 A It's a cell record report.

3 Q And it indicates search items and web history in the
4 type. Do you see that?

5 A Yes.

6 Q What was searched? What is reflected in 497 as having
7 been searched?

8 A It's Google searches for the telephone number ending in
9 8415.

10 Q And this is a forensic report for the phone for 8415; is
11 that correct?

12 A Correct.

13 Q And that final entry, No. 5, lists a web history done on
14 that same day, December 15, 2017, and it lists the phone
15 number ending in 8415. And it says, "phone number
16 information, whoisthatnumber.com"?

17 A Yes.

18 Q I'm showing you what's in evidence as Government Exhibit
19 498.

20 You testified that this is another forensic
21 extraction report from Government Exhibit 493; is that
22 correct?

23 A Yes.

24 Q And up at the participants list, that same 8415 number,
25 as well as some other ones, and then an e-mail address -- for

Chabot - Direct - Geddes

3665

1 the jury only -- for janekelly@yahoo.com; is that correct?

2 A That's correct.

3 Q And reading the first text message sent in blue by that
4 janekelly@yahoo.com to the 8415 phone number, it reads:

5 I am sorry this is one extra thing you have to deal
6 with and try and figure out. I know that isn't me and it
7 sucks that you have to wonder at all. I don't know what to
8 say, I just know I want to figure it out as bad as you. I can
9 only say it's my parents just saying anything to try and make
10 you angry enough to send me home or a girl who doesn't want me
11 around you or someone who knows I have gotten in more trouble
12 for being -- I'm sorry, or a girl who doesn't want me around
13 you or someone who knows I have gotten in more trouble for
14 being hard-headed or stubborn and just crazy. I know I
15 haven't talked to anyone in reaching out to people -- and just
16 crazy. I know I haven't talked to anyone -- I am not doing a
17 good job reading it. Sorry.

18 Okay --

19 THE COURT: I mean, I think the jurors can read it.
20 You don't have to read the whole thing; it has been up there a
21 good little bit.

22 MS. GEDDES: Fair enough.

23 All right. I just want to show one other part.

24 Q This is a text message on page -- it's listed down here
25 as 188, from a phone number ending in 9414. And it says,

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1 "1500-dollar fine for being sarcastic because that's what set
2 it off. I fined Diana \$2,000 tonight for the same effing
3 thing, her sarcasm. You mother effers got me twisted if you
4 think you're going to be sarcastic with me and get away with
5 it. Good night."

6 And then it goes on from there.

7 MS. GEDDES: The government offers Government
8 Exhibits 912(a) and (b), 934(a) to (d).

9 THE COURT: Any objection?

10 MR. CANNICK: None.

11 THE COURT: Okay. That is in evidence.

12 (Government Exhibits 912(a) and (b), 934(a) to (d)
13 were received in evidence.)

14 Q Are you familiar with the Super Bowl where the Chicago
15 Bears played the Indianapolis Colts?

16 A I am.

17 Q What date was it?

18 A It was February 4th of 2007.

19 Q Where was it held?

20 A In Miami.

21 Q I'm showing you what's in evidence as Government
22 Exhibits 328 and 329.

23 Have you watched the videos contained within
24 Government Exhibits 328 and 329?

25 A I have.

Chabot - Direct - Geddes

3667

1 Q I want to begin -- in front of you you have forensic
2 extraction reports for each of those videos; is that correct?

3 A That's correct.

4 Q And using that, does that help to refresh your
5 recollection what I am talking about when I mention 328(a) and
6 329(a)?

7 A It does.

8 Q All right. I want to begin with Government Exhibit
9 328(a).

10 First, where was Government Exhibit 328 found?

11 A The Trump Towers apartment.

12 Q And was that on an iPad within the Trump Towers?

13 A Correct.

14 Q Can you describe what is shown in Government Exhibit 328?

15 And rather than using names for the female in 328,
16 can you just refer to that individual as "the female"?

17 A I can.

18 MR. CANNICK: Your Honor, may we approach briefly?

19 THE COURT: Yes.

20 (Sidebar.)

21 (Continuing on the following page.)

22

23

24

25

Sidebar

3668

1 (Sidebar conference held on the record in the
2 presence of the Court and counsel, out of the hearing of the
3 jury.)

4 MR. CANNICK: I'm going to object to the agent
5 giving his observation. It speaks for itself. It's the best
6 evidence. I think they're putting it into evidence, we don't
7 need a narration by him. The jury will see it and make their
8 own --

9 THE COURT: I must say, I do not think it is a very
10 effective way to bring out the evidence. But it is in
11 evidence, you can play it. If there is a specific question,
12 ask him about it, go ahead. But having him describe what they
13 are going to see is --

14 MS. GEDDES: I'm happy to do that. I was doing that
15 to try to avoid having to play --

16 THE COURT: The entirety?

17 MS. GEDDES: -- the entirety of what is a very
18 jarring video.

19 THE COURT: So what you can do, in my humble
20 opinion, is have him say this video is -- or you can even just
21 say it, you do not have to ask him. It is in evidence, it is
22 however many minutes long, I am just going to play part of it.

23 And you do not object?

24 MR. CANNICK: Right.

25 THE COURT: I think you can also say it is -- you

Sidebar

3669

1 want me to characterize it?

2 MR. CANNICK: I think what you should do, because
3 you really don't know, jurors have a similar recollection as
4 --

5 MS. GEDDES: Let me clarify the two videos we're
6 about to play.

7 The first one, the defendant spansks Anna four times
8 and then she walks back and forth at the defendant's direction
9 for about ten minutes.

10 MR. CANNICK: Okay.

11 MS. GEDDES: She's not wearing any clothing and he
12 directs her and verbally berates her during it.

13 THE COURT: Here is what I think you can do. I can
14 tell them the government is going to play portions of these
15 videos; they are longer, but I asked them just to play
16 portions of them. How is that?

17 MR. CANNICK: Yes.

18 MS. GEDDES: That's fine.

19 Let me say one other thing. So 328, I was planning
20 to play approximately ten minutes of it.

21 THE COURT: That is fine.

22 MS. GEDDES: 329(a), I'm playing a very short
23 portion. I want to let you know I'm playing a little bit
24 longer.

25 THE COURT: That is fine. I am just saying no need

Sidebar

3670

1 for him to say what is on it.

2 THE COURT: Do you want me to give them a little --

3 MR. CANNICK: I think just before it's played, that
4 some of you may find that it's shocking.

5 THE COURT: Upsetting. All right. All right.

6 (Sidebar end.)

7 (Continuing on the following page.)

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Chabot - Direct - Geddes

3671

1 THE COURT: So, ladies and gentlemen, the government
2 is going to play a few videos that have been recovered. Some
3 of this may be somewhat upsetting and I understand with one of
4 them they are only playing a portion of what is a longer
5 video. The entire thing is in evidence and I have permitted
6 them to play portions of it.

7 So are we going to do that now?

8 MS. GEDDES: Yes.

9 THE COURT: All right.

10 MS. GEDDES: I am going to begin with Government
11 Exhibit 328(a).

12 THE COURT: And let me just ask, are these
13 headphone?

14 MS. GEDDES: Yes.

15 328(a), I would ask that it only be played for the
16 jury, mostly because I think technically that's all we can do
17 with respect to using headphones, and that the jury turn to
18 tab 2.

19 And at this time the government also offers, as an
20 aid to the jury, Government Exhibit 320(a)-t, which is a
21 transcription of the contents of Government Exhibit 328(a).
22 And the recording in 328(a) is approximately 15 minutes in
23 length.

24 THE COURT: You are playing the portion of that or
25 the entirety?

Chabot - Direct - Geddes

3672

1 MS. GEDDES: I'm going to play the first 11 minutes,
2 so it's a portion.

3 THE COURT: Okay.

4 MS. GEDDES: And again, it's tab 2.

5 And if everyone can make sure that your headphones
6 are turned on.

7 MR. CANNICK: Your Honor, just for the record, I
8 just want to state our exception to this.

9 THE COURT: Yes.

10 (Pause.)

11 MS. GEDDES: All right. And there is video and
12 audio for this.

13 THE WITNESS: Donna, I believe a juror has a
14 question.

15 A JUROR: My headphones aren't working.

16 MS. GEDDES: We'll pause.

17 THE COURT: Are we having trouble with one of the
18 headphones?

19 MS. GEDDES: Yes. I think we probably have to
20 replace the batteries.

21 THE COURT: Okay.

22 (Pause.)

23 THE COURT: I just want to make sure everybody's is
24 working now; is that correct?

25 All right.

Chabot - Direct - Geddes

3673

1 MS. GEDDES: All right. We are going to start
2 again. And again, please make sure you are on tab 2, and we
3 will start from the beginning.

4 A JUROR: Donna?

5 MS. GEDDES: Kyra, can you...

6 No? Still not working.

7 A JUROR: I can see. I can follow on the
8 transcript. I'll just follow on the transcript.

9 THE COURT: It is not working?

10 MS. GEDDES: One juror.

11 I think I am going to try one more battery, if
12 that's okay?

13 THE COURT: Okay.

14 MS. GEDDES: I think the audio was quite low in the
15 beginning.

16 A JUROR: This is at 75.

17 MS. GEDDES: Let's see if we can play.

18 MS. SHIHATA: Make it a little louder. Can you
19 adjust the volume on that?

20 MS. GEDDES: She's going to turn up the volume.

21 A JUROR: I'm at 98 and there's zero. Zero.

22 All right.

23 (Video played.)

24 (Continuing on the following page.)

25

1 (Video continues to play.) (Video stopped.)

2 MS. GEDDES: All right. I'm now going to fast
3 forward to 14 minutes and there's only about 30 seconds to a
4 minute left and if you could all go to page 13, still within
5 tab 2. Page 13, about line 8 is where we will begin again.

6 (Video played.) (Video stopped.)

7 MS. GEDDES: I'm going to play another video from
8 Government Exhibit 329(a) which is also in evidence. This
9 video is approximately 9 minutes long and we're only going to
10 listen to portions of the video and there's no transcript for
11 this so you can put away your transcript binder.

12 We're going to start by listening to just the first
13 40 seconds. And this could be played over -- okay. You can
14 use the headphones.

15 (Video played.) (Video stopped.)

16 MS. GEDDES: And if you could please go to 1:19.

17 (Video played.) (Video stopped.)

18 MS. GEDDES: And now we're going to go to 2:19.

19 (Video played.) (Video stopped.)

20 MS. GEDDES: Now we're going to minute 4:40.

21 (Video played.) (Video stopped.)

22 MS. GEDDES: And now we're going to go to minute
23 7:05.

24 (Video played.) (Video stopped.)

25 MS. GEDDES: You can take off your headphones for

Sidebar

3675

1 just a moment and I'm not going to play any more from that
2 particular video.

3 THE COURT: Would this be a good time for a break?

4 MS. GEDDES: Sure.

5 THE COURT: All right. Ladies and gentlemen, we're
6 going to take our morning break. Please don't talk about the
7 case at all and we'll see you in about ten minutes.

8 (Jury exits.)

9 THE COURT: Okay. Everybody can sit down.
10 We're going to be in recess for about ten minutes.

11 (Recess taken.)

12 THE COURT: Can I see counsel at the side.

13 (The following occurred at sidebar.)

14 THE COURT: Okay. That was a lot.

15 MR. CANNICK: That was a lot.

16 THE COURT: And that's a lot to ask of jurors.

17 Preaching to the choir, but I think you have to think about
18 cutting down the rest of what you are going to show. It's in
19 evidence, but this is a heavy load for people that have a lot
20 of experiences and when you're thinking about just every day
21 people who are coming in to serve their, to do their jury
22 duty, there's overload.

23 MS. GEDDES: I know.

24 THE COURT: First of all, let me just say so it's
25 completely and utterly clear. The evidence is without

CMH

OCR

RMR

CRR

FCRR

Sidebar

3676

1 question relevant. It rebuts some of the defense arguments
2 and it goes to the very heart of what the conspiracy is. That
3 is not, it is not my intent to signal that I have regrets
4 about any of this. I do not. I'm simply thinking on a more
5 human level about what it is that these jurors have to bear.

6 MS. GEDDES: I totally understand that. I will say
7 that the next three videos that I'm going to play, it's a
8 different individual but that was, in part, also why I was
9 going to have the agent describe it because, look -- but I
10 hear what you're saying and it is a lot for me. I've watched
11 it too many times and I totally hear when you're saying. The
12 parts I'm about to play, I don't have my script in front of
13 me, but there are, you know, 20 to 30 second segments.

14 THE COURT: Okay.

15 MS. GEDDES: And it is a different type of jarring
16 that's about to be shown. It's not --

17 THE COURT: I know. Yes.

18 MR. SCHOLAR: So the next video, that's not Joy,
19 right?

20 THE COURT: Joy, I didn't admit it.

21 MS. GEDDES: I'm not playing Joy. I have an
22 argument about that.

23 THE COURT: Denied.

24 MS. GEDDES: No, No, I don't want to admit the video
25 but I'll make my argument afterwards.

CMH

OCR

RMR

CRR

FCRR

Sidebar

3677

1 THE COURT: Okay. Did you have some application you
2 wanted to make? I think you already made it.

3 MR. CANNICK: I probably don't remember, Judge.

4 THE COURT: No, you had just reminded me that you
5 had an exception to this.

6 MR. CANNICK: Right.

7 THE COURT: That's okay. Yes.

8 MS. GEDDES: Can I just make my two second record --
9 not record. I'm making an argument. I have a record to make.
10 We previously sought to introduce the video
11 involving Joy and feces. I'm not asking to introduce it.

12 What I would ask Your Honor is to allow me to ask
13 two questions of the witness if there was another video found
14 involving another one of the defendant's live-in girlfriends
15 and feces and the reason I want to introduce it is because
16 during defense counsel's cross-examination of Anna, he asked
17 her: And you like scat sex? She didn't know what scat sex
18 was.

19 MR. CANNICK: She knows.

20 THE COURT: I don't.

21 MR. CANNICK: Scat sex is exactly what she was
22 doing, exactly.

23 MS. GEDDES: And I want to be able to argue that
24 this was not and will argue that this was not, as she
25 testified, it was not her choice, it was not her desire to

CMH

OCR

RMR

CRR

FCRR

Sidebar

3678

1 engage in this, but I think the fact that the defendant asked
2 three of his girlfriends to do this and all of them did it
3 tends to rebut any claim that this was something that they did
4 by choice. Like what are the chances that all three --

5 THE COURT: The only thing I will say to you is that
6 you have the two witnesses who testified that they did not
7 consent.

8 MS. GEDDES: Right.

9 THE COURT: And what you're missing here is the
10 witness who hasn't said anything and who's still with him and
11 that's -- I'm not inclined to permit you to do that. I think
12 the evidence is quite stark on that topic.

13 Are you calling Joy as a witness?

14 MR. CANNICK: It's a possibility.

15 THE COURT: All right.

16 MR. CANNICK: Yes.

17 THE COURT: So I'm not going to permit that but I do
18 just, and as I said, it is in evidence. They can, if they
19 choose, they can watch the whole thing, but I'm just
20 suggesting -- it sounds like you are going to do 30 minute --

21 MS. GEDDES: Thirty minutes?

22 THE COURT: Thirty seconds.

23 MS. GEDDES: Yes, that's based on my memory but
24 they're short. They're short.

25 THE COURT: And what's the total?

Sidebar

3679

1 MS. GEDDES: I can get my script but let me tell you
2 generally what we're showing is evidence where the defendant
3 is positioning the camera, evidence where the defendant is,
4 you know, literally pushing Dominique's head on to Alex's
5 penis over and over again, like things that show the defendant
6 in control and things where the defendant is verbally
7 instructing her.

8 So part of the government's case is obviously
9 showing that this was, you know, forced and at the direction
10 of the defendant, but I have selected only those portions.
11 They are graphic as they necessarily will be but I am
12 certainly cognizant of what everyone is thinking.

13 THE COURT: Right. And I just, I know I said it
14 already. I'm not suggesting that it was, that it's overkill
15 or that it is unfairly prejudicial. It is what it is. It's
16 part of the case. That's the only point that I'm making.

17 (In open court; sidebar ends.)

18 (Jury not present.)

19 THE COURT: Okay. Let's get the jury, please.

20 Just before I do that, can everybody come over to
21 where the court reporter is just for a second.

22 (Sidebar continues.)

23 THE COURT: Do you want me to say anything to them?

24 MR. CANNICK: No.

25 THE COURT: Okay. I just wanted to make sure.

CMH

OCR

RMR

CRR

FCRR

Chabot - direct - Geddes

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1 (In open court; sidebar ends.)

2 (Jury enters.)

3 THE COURT: Okay, everybody. We are ready to
4 continue with the direct examination. Go ahead.

5 MS. GEDDES: Thank you.

6 DIRECT EXAMINATION (Continued)

7 BY MS. GEDDES:

8 Q Special Agent Chabot, on page one of the transcript for
9 Government Exhibit 328(a), does that reflect the
10 participants -- I'm sorry.

11 Well, page one of Government Exhibit 328(a)-T which
12 is in tab number two, does that reflect the two participants
13 who were shown in Government Exhibit 328(a)?

14 MR. CANNICK: Objection, Your Honor.

15 THE COURT: I beg your pardon?

16 MR. CANNICK: Objection.

17 THE COURT: Overruled.

18 A On the cover sheet, yes.

19 Q And in Government Exhibit 329(a) which doesn't have a
20 transcript in the transcript binder but which we just played,
21 are those same two individuals in Government Exhibit 329(a)?

22 A They are.

23 Q I'm sorry, just to be clear. The defendant is not in
24 that one, correct?

25 A I'm sorry, yes. It's only the female.

Chabot - direct - Geddes

3681

1 MS. GEDDES: All right. I'm now going to play
2 Government Exhibit 341(a) for the jury only which is in
3 evidence. 341(a) does not have a transcript and it's an eight
4 and a half minute long video.

5 I would ask that the jurors put on their headphones
6 but, please, we turned off each of them to conserve the
7 battery so just make sure that the green light is on. We're
8 only going to play portions of that eight and a half minute
9 recording and I will note just for the record the portions
10 that we are playing.

11 So we're going to begin by just playing the first
12 40 seconds.

13 (Video played.) (Video stopped.)

14 MS. GEDDES: If we could turn to 208 and we're just
15 going to play five seconds from 2:08 to 2:13.

16 (Video played.) (Video stopped.)

17 Q And in that video, did that appear to be the defendant's
18 hand?

19 MR. CANNICK: Objection.

20 MS. GEDDES: Sorry. I asked a question and defense
21 counsel objected but I'll just move on.

22 THE COURT: All right. I'm sustaining it.

23 MS. GEDDES: Let's go ahead and we'll play 3:46.

24 (Video played.) (Video stopped.)

25 MS. GEDDES: We'll now play 4:17 to 4:27.

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1 (Video played.) (Video stopped.)

2 MS. GEDDES: And now we're going to go to 5 minutes
3 and 25 seconds to 6 minutes and 40 seconds.

4 (Video played.) (Video stopped.)

5 MS. GEDDES: And then could you go to 7:24.

6 (Video played.) (Video stopped.)

7 MS. GEDDES: And then finally 8:12 to 8:20, please.

8 (Video played.) (Video stopped.)

9 BY MS. GEDDES:

10 Q Using the names who, of the individuals who testified at
11 the trial, using the names that they testified under and first
12 names only, who was shown in Government Exhibit 341(a)?

13 A The defendant, Dominique and Alex.

14 Q And you've reviewed 342(a) and 343(a), is that correct?

15 A Yes.

16 Q And who are shown in those two videos?

17 A The same individuals.

18 MS. GEDDES: All right. I'm now going to play
19 what's in evidence as 342(a). There is not a transcript for
20 this. And we're going to start by playing just the first
21 40 seconds.

22 (Video played.) (Video stopped.)

23 MS. GEDDES: And we're now going to play 6:18 to
24 6:55.

25 (Video played.) (Video stopped.)

Chabot - direct - Geddes

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1 MS. GEDDES: And now we're just going to play a
2 10 second clip from 7:30 to 7:39.

3 (Video played.) (Video stopped.)

4 MS. GEDDES: And then play until 8:15.

5 (Video played.) (Video stopped.)

6 MS. GEDDES: And then 8:22, please.

7 (Video played.) (Video stopped.)

8 MS. GEDDES: All right. I'm going to move on to
9 Government Exhibit 343(a) which is also in evidence. There is
10 a transcript. The government offers 343(a)-T.

11 THE COURT: That's in evidence.

12 MS. GEDDES: And that's in tab 3.

13 THE COURT: What portion of it are you playing?

14 MS. GEDDES: I am going to play the first 45 seconds
15 and the jurors, if they want, can just follow along with the
16 transcript and don't have to watch every part of the video if
17 they prefer not to. I think the audio speaks for itself.

18 I'm just going to play the first 45 seconds, please.

19 (Video played.) (Video stopped.)

20 MS. GEDDES: All right. And then if everyone can --
21 I'm just going to play another 10 second clip and I direct
22 your attention to line or page 2 at line 42 and we're just
23 going to play 4:10 to 4:20 and that's the last thing that I'm
24 going to play from this video.

25 (Video played.) (Video stopped.)

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1 MS. GEDDES: All right. That's the last video of
2 that nature that's going to be played by me today.

3 The government offers 343(b), (c) and (d) which are
4 screen shots with the redactions from the video that was just
5 played, 343(a).

6 MR. CANNICK: No objection.

7 THE COURT: Okay. Those are in evidence.

8 (Government Exhibits 343(b), 343(c) and 343(d) so
9 marked.)

10 THE COURT: These were recovered because the videos
11 were recovered from the storage unit, is that correct?

12 MS. GEDDES: It's in the 300s --

13 THE COURT: The 400s.

14 MS. GEDDES: The next one, so 341, 2 and 3 were
15 recovered from the residence.

16 THE COURT: And the 400s are all --

17 MS. GEDDES: From the storage facility, yes.

18 THE COURT: Okay.

19 MS. GEDDES: And if everyone could just turn their
20 headphones -- well, we're about to put them on again.

21 The government now offers Government Exhibit 484,
22 484(b) and 484(b)-T which is the transcript.

23 Is that admitted, Your Honor?

24 THE COURT: Yes.

25 MR. CANNICK: And Your Honor, that's with our

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1 exception.

2 THE COURT: Yes. Yes.

3 (Government Exhibits 484, 484(b) and 484(b)-T so
4 marked.)

5 MS. GEDDES: So if everyone can turn to tab 6 in
6 their transcript binders. We're not going to play the entire
7 iteration of this. We'll just play excerpts.

8 We'll begin by playing the first minute and you can
9 begin on page 1 of the transcript, for the jury only.

10 (Video played.) (Video stopped.)

11 MS. GEDDES: All right. If everyone can turn to
12 page 2 of that same transcript and tab number 6. I'm going to
13 direct your attention to line 16.

14 (Video played.) (Video stopped.)

15 MS. GEDDES: And if I can direct everyone's
16 attention now still on page 2 at line 30 and we're going to
17 fast forward to 10:48, please.

18 (Continued on next page.)
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Chabot - direct - Geddes

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1 (Continuing.)

2 (Video played.)

3 MS. GEDDES: And we can move to page 2, line 38 and
4 then to 12:05, please.

5 (Video played.)

6 (Video paused.)

7 MS. GEDDES: Let's move to 1620, but I believe
8 that's page three, line 41.

9 (Video played.)

10 (Video paused.)

11 MS. GEDDES: We're going to move to 1838 and if I
12 can direct your attention to line 44 on page four.

13 (Video played.)

14 (Video paused.)

15 MS. GEDDES: And finally we'll direct your attention
16 to page five, line 31 and it's 2205.

17 (Video played.)

18 (Video paused.)

19 MS. GEDDES: I am putting Government Exhibit 484
20 which is in evidence on the screen for the jury only.

21 (Exhibit published to jury only.)

22 BY MS. GEDDES:

23 Q Where was that recovered from?

24 A The storage unit.

25 Q Is that a VHS tape?

Chabot - direct - Geddes

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1 A It is.

2 Q Where was Government Exhibit 484?

3 A The storage unit.

4 Q And was we just listened to 484(a), was that just an
5 excerpt in what's shown on Government Exhibit 484?

6 A Yes.

7 Q I'm sorry I said 484(a) but I mean, was 484(b) an excerpt
8 of what was contained on this VHS tape shown in 484?

9 A Yes.

10 MS. GEDDES: The Government now offers 485, 485(b)
11 and 485(b)-T.

12 THE COURT: Any objection other than what we
13 discussed already?

14 MR. CANNICK: One second please, Your Honor.

15 THE COURT: Sure.

16 MR. CANNICK: Just except for that area.

17 THE COURT: Those items are in evidence.

18 (Government Exhibits 485, 485(b) and 485(b)-T
19 received in evidence.)

20 THE COURT: I will tell you the use of transcripts
21 in my final instruction, but suffice it to say that they're an
22 aid in listening to the evidence.

23 Go ahead.

24 MS. GEDDES: And 485 I am putting on the screen.

25 (Exhibit published.)

Chabot - direct - Geddes

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1 Q Where was 485 found?

2 A The storage unit.

3 Q And I am putting 485(a) -- is that the manner in which it
4 was found in the storage unit?

5 A Yes.

6 Q And I am now going to -- on the backside of it, it has
7 the Chocolate Factory and three numbers listed and the year is
8 2008 and on each of those three tracks it says 3/8. I am now
9 going to play 485(b). Is 485(b) one of those three tracks,
10 one of the three tracks contained on Government Exhibit 485?

11 A Yes.

12 MS. GEDDES: And this is just audio and so you don't
13 need to look at your screens and the audio is approximately an
14 hour and 20 minutes. We're not going to listen to the full
15 hour and 20 minutes, but if I could direct everyone's
16 attention to tab number seven we're going to play starting
17 from one minute for approximately 25 minutes so if everyone
18 can put on their headphones and raise your hand if anyone has
19 any issues during the recording, please.

20 (Pause in proceedings.)

21 THE COURT: Is there a reason why you can't just
22 play it over the?

23 MS. GEDDES: It identifies someone by name but we
24 could probably do it, it's fine.

25 THE COURT: Why don't you try that.

Chabot - direct - Geddes

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1 MS. GEDDES: Okay. Let's start from the beginning.
2 Everyone take off your headphones. In the transcript there's
3 ellipses, so not every word is transcribed but I think the
4 gist is there. We will start again at 1:10.

5 Q Before I start, Agent Chabot, you've reviewed this
6 recording before; correct?

7 A Correct.

8 Q Did you recognize the male's voice who predominantly
9 speaks throughout?

10 A I did.

11 Q Who did you recognize it to be?

12 A The defendant's.

13 MS. GEDDES: And in the transcript there are, as
14 noted on the first page, sometimes it indicates I/U. That
15 just refers to unintelligible and when you see the three dots,
16 that indicates that there are some parts that are not
17 transcribed in full.

18 THE COURT: Okay.

19 MS. GEDDES: Okay. If we could start again at 1:10.

20 (Audio played.)

21 (Audio paused.)

22 MS. GEDDES: Everyone can take off your headphones.
23 We're having technical difficulties, but we're going to stop.

24 THE COURT: This is probably actually a good time to
25 take our lunch break.

Proceedings

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1 So, ladies and gentlemen, I am going to ask you not
2 to discuss anything about the case at all in any way, shape or
3 form. We will see you back here at 2:15.

4 THE COURTROOM DEPUTY: All rise.

5 (Jury exits.)

6 THE COURT: Everybody can sit down and the witness
7 can step down.

8 (Witness steps down.)

9 THE COURT: Do you have much more with the agent?

10 MS. GEDDES: I don't. I have several exhibits.

11 THE COURT: You can discuss that.

12 And then you have cross-examination. I know there's
13 a witness that you want to make sure that you get on.

14 MS. CRUZ MELENDEZ: That's correct, Your Honor. It
15 should be not more than 15 or 20 minutes.

16 THE COURT: Does it make sense to take the witness
17 out of order? I am not going to cut Mr. Cannick off just to
18 fit the witness in. So I think it makes sense to put the
19 witness in, but we're stopping at 4:00 today.

20 MS. GEDDES: That works.

21 MS. CRUZ MELENDEZ: That works for the Government.

22 THE COURT: Did you want to finish your direct after
23 lunch? Let's put the witness on. I will tell the jury we're
24 taking a witness out of order. You finish your direct and
25 then we'll have Mr. Cannick do the cross.

Proceedings

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1 Anything else before we break for lunch?

2 Thank you so much.

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4 (Luncheon recess taken.)

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Proceedings

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1 AFTERNOON SESSION

2 (In open court; jury not present.)

3 (Parties present.)

4 THE CLERK: All rise.

5 THE COURT: Everybody can take a seat.

6 Should we get the witness? We will have the witness
7 get the witness.

8 MR. CANNICK: The new witness?

9 THE COURT: The new witness.

10 Remind me the name of this witness.

11 MS. MELENDEZ: Margaro Rosario.

12 THE COURT: No binder for this witness?

13 MS. MELENDEZ: No.

14 THE COURT: Okay.

15 MS. MELENDEZ: Your Honor, there was one page of
16 3500 from this morning. And I believe we may have a copy of
17 it, so we are looking to see if we have a copy to give to --

18 THE COURT: Oh, all right. You mean with respect to
19 the witness who is testifying now?

20 MS. MELENDEZ: That's correct.

21 THE COURT: Don't worry about it, we'll be good.

22 All right.

23 (Witness enters the room.)

24 THE CLERK: All rise.

25 (Jury enters the courtroom.)

Proceedings

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1 THE CLERK: You may be seated.

2 THE COURT: Ladies and gentlemen, we are going to
3 take a witness out of order just for scheduling purposes and
4 then we will resume with the other witness after this witness,
5 who I understand is relatively brief.

6 So go ahead and call your witness, please.

7 MS. MELENDEZ: The government calls Margaro Rosario.
8 (Witness sworn.)

9 THE CLERK: Thank you. You may be seated.

10 THE COURT: Okay. Just a couple of things before we
11 begin.

12 I just want to make sure that everybody hears your
13 testimony, so please make sure you are speaking into the
14 microphone. If it is easier, you can remove it from the
15 stand. But the critical thing is that everybody hears you.

16 THE WITNESS: Okay.

17 THE COURT: You can also pull it closer to you if
18 you wish.

19 The court reporter takes down everything that you
20 say and it makes her job a lot harder if you speak too quickly
21 or speak over whoever is asking questions, so do not do either
22 one of these things.

23 If there is something you do not understand or want
24 to have repeated, let me know, I will have the lawyer
25 rephrase. Okay?

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1 THE WITNESS: Thank you.

2 THE COURT: All right. Go ahead.

3 **MARGARO ROSARIO**, having been first duly sworn, was examined
4 and testified as follows:

5 DIRECT EXAMINATION

6 BY MS. CRUZ MELENDEZ:

7 Q Mr. Rosario, are you employed?

8 A Yes, I am.

9 Q And where are you employed?

10 A I work for the Illinois Department of Human Services in
11 the city of Chicago, Cook County.

12 Q And what is your title at the Department of Human
13 Services?

14 A Currently, I'm the regional administrator for Region 1
15 North.

16 Q And what's Region 1 North?

17 A It comprises of ten offices that stretch from the middle
18 of the city all the way to the suburban Cook line.

19 Q And how long have you been with the Department of Human
20 Services?

21 A Thirty-three years, since 1988.

22 Q What are your duties and responsibilities as the regional
23 administrator of Region 1 North?

24 A I'm responsible for ten offices that comprises over
25 several hundred employees, responsible for over 700,000 public

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1 aid recipients.

2 We administer public benefits: The SNAP program,
3 Medicaid; our cash programs, which are TANF and ABD. That's
4 Temporary Assistance for Needy Families; that's TANF. ABD is
5 the Aged, Blind and Disabled and SNAP is Supplemental
6 Nutrition Assistance Program.

7 Q And fair to say that SNAP is essentially food stamps?

8 A Correct.

9 Q As a general matter, is it also fair to say that the
10 Department of Human Services offers welfare and other public
11 aid benefits to eligible recipients in the State of Illinois?

12 A Correct.

13 Q Now, prior to being a regional administrator, did you
14 hold any other positions at the Department of Human Services?

15 A Yes.

16 Q And what positions were those?

17 A Prior to becoming a regional administrator, I was a local
18 office administrator of the Humboldt Park office of the City
19 of Chicago in Cook. I was responsible for over 100 staff
20 members at that office, and we made sure the timely
21 disposition of public benefits and the correct amount of
22 benefits were issued by staff members.

23 Q And have you held any other positions?

24 A Prior to that, I was the employment and training liaison
25 at the Humboldt Park office.

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1 And prior to that, I was a caseworker.

2 And prior to that, I was a clerk/caseworker, when I
3 initially started.

4 Q And when you initially started -- and I think you said
5 that was in 1988?

6 A Correct.

7 Q You were a clerical caseworker; is that correct?

8 A Correct.

9 Q And did you work at multiple offices?

10 A Correct.

11 Q Now, are you familiar with the Illinois Department of
12 Public Aid?

13 A Yes.

14 Q And what is that?

15 A That was the forerunner to the Department of Human
16 Services and family -- Health and Family Services.

17 Q And approximately when was the Department of Public Aid
18 created?

19 A In the '60s.

20 Q And how was the Department of Public Aid established?

21 A By state statute.

22 Q By the Illinois State Legislature?

23 A Correct.

24 Q And which branch of the Illinois government administered
25 the Department of Public Aid?

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1 A The executive branch.

2 Q And who is that overseen by?

3 A Currently, governor James B. Pritzker.

4 Q And in 1994, who was it overseen by?

5 A Jim Edgar.

6 Q So is it fair to say that it was overseen by the
7 executive branch, including the governor?

8 A Correct.

9 Q And what was the function of the Department of Public
10 Aid?

11 A To dispense public benefits to our most neediest
12 customers in the state of Illinois.

13 Q Now, at some point I believe you mentioned that it was
14 the predecessor to the Department of Human Services and the
15 Department of Health and Family Services, correct?

16 A Correct.

17 Q And approximately when did that occur?

18 A The split was made in 1998.

19 Q So fair to say that where you currently work, the
20 Department of Human Services and also the Department of Health
21 and Family Services, were formerly the Department of Public
22 Aid, correct?

23 A Correct.

24 Q And do the two departments, the Department of Human
25 Services and the Department of Family and Health Services, do

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1 they still work in conjunction in providing various public
2 benefits to eligible recipients?

3 A Yes.

4 Q And do the two departments continue to have access to
5 each other's records and databases?

6 A Yes.

7 Q You testified previously about Cook County in Illinois.
8 Does Cook County include both the city of Chicago as well as
9 surrounding suburbs of Chicago?

10 A Yes.

11 Q Now, directing your attention to the 1990s, including in
12 1994, did the Department of Public Aid have local offices
13 within Cook County?

14 A Yes.

15 Q And were there multiple offices throughout Cook County?

16 A Yes.

17 Q Were there employees staffed at these local offices?

18 A Yes.

19 Q And those employees worked for the Department of Public
20 Aid, correct?

21 A Correct.

22 Q Now, you testified that you worked as a clerical
23 caseworker at various local offices; is that correct?

24 A Correct.

25 Q Approximately when were you -- what time frame were you a

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1 clerical caseworker?

2 A Since 1988 until about 1992.

3 Q And after 1992, what was your title?

4 A I was a caseworker.

5 Q And did you continue to work at local offices within Cook
6 County?

7 A Yes.

8 Q Now, what types of employees were staffed at the local
9 offices belonging to the then-Department of Public Aid?

10 A We had administrative staff, we had professional casework
11 staff, and we had clerical staff.

12 Q And what did the administrative staff, what were their
13 general responsibilities?

14 A They were responsible to ensure that the programs we
15 administer for the State of Illinois, the food stamp, Medicaid
16 cash programs, were done accurately and timely to our
17 customers.

18 Q And what about the caseworkers, what were their general
19 functions?

20 A They were responsible for determining eligibility, both
21 initial applicants and ongoing applicants.

22 Q And then the clerical caseworkers, generally speaking,
23 what were their functions?

24 A They were tasked with filing case records that were open
25 in our intake department, gleaning those old case files,

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1 issuing I.D.s to our customers.

2 Q And did the employees that you just discussed, did these
3 employees carry out the various official functions of the
4 Department of Public Aid as part of their job
5 responsibilities?

6 A Yes.

7 Q And fair to say that those were also authorized by the
8 executive branch under the oversight of the government?

9 A Correct.

10 Q Now, you referenced identification cards in your
11 testimony. Were there employees at local offices who, as part
12 of their responsibilities, would issue Department of Public
13 Aid identification cards?

14 A Yes.

15 Q And were there also employees at these offices who were
16 responsible for taking photographs of recipients for the
17 purposes of the identification cards that were issued?

18 A Yes.

19 Q As an employee at the local Department of Public Aid
20 offices, were you an employee of the State of Illinois?

21 A Yes.

22 Q Were the other employees of the Department of Public Aid
23 also state employees?

24 A Yes.

25 Q And is that the same for in 1994 as well?

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1 A Correct.

2 Q Who issued the employees' paychecks?

3 A The Comptroller of the State of Illinois.

4 Q And did you receive your paychecks from the Comptroller
5 of the State of Illinois?

6 A Yes.

7 Q And that includes in 1994, correct?

8 A Correct.

9 Q Now, were individuals seeking public benefits able to go
10 to these various Department of Public Aid local offices in
11 Cook County?

12 A Yes.

13 Q Generally speaking, what if any process was in place in
14 1994 for persons seeking public benefits at the local offices
15 in the Department of Public Aid?

16 A When a customer came into one of the offices, they would
17 submit an initial paper application at that time. We would
18 screen the application, give the customer a document to return
19 verifying documents, such as birth certificates, social
20 security cards, at the time INS I.D. for proof of residency in
21 the United States, rent receipts, utility bills, asset
22 information for the SNAP program and other documents.

23 Q And you mentioned that you would give them a form to
24 provide that information?

25 A Correct.

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1 Q Would they then have to come back?

2 A Yes.

3 Q What would they need to come back for?

4 A For the interview.

5 Q And just generally speaking, what would happen in an
6 interview?

7 A They would be seen by an intake caseworker. They would
8 gather the information that was provided, conduct the
9 interview, depending on the program that the customer was
10 applying for. They would enter that information into our
11 automated intake system at the time; it's a legacy system we
12 no longer use. And from that, we would make a determination
13 of potential eligibility for benefits.

14 Q And in 1994, approximately how long would the process
15 you've just explained take, between initial application and
16 then the eligibility determination?

17 A Up to 30 days.

18 Q Now, once eligibility was determined, did recipients
19 receive identification cards from the Department of Public
20 Aid?

21 A Yes, if the determination was that they're eligible for
22 the program.

23 Q And is it fair to say that that process of receiving the
24 identification wasn't a same-day process?

25 A It wasn't a same-day process.

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1 Q Now, was there a requirement that applicants needed to be
2 a resident of Illinois to obtain benefits?

3 A Yes.

4 Q And what information would an individual have to provide
5 to prove residency?

6 A They just have to attest that they are a resident of
7 Illinois.

8 Q And was there an age requirement for obtaining public
9 benefits?

10 A Yes, for most, for the majority of the programs we
11 administer.

12 Q And what was the age requirement?

13 A Eighteen.

14 Q Now, you mentioned that it was for most of the programs
15 you administered. Were there exceptions to that 18-year-old
16 age limit?

17 A Yes.

18 Q And what was that exception?

19 A Under the Medicaid program, if a young lady under the age
20 of 18 who was not residing with a parent and came in to apply
21 and indicated to us at the time that they were pregnant, they
22 potentially could be eligible for a Medicaid card.

23 Q And what, if any, information would this underaged female
24 need to provide in order to be eligible for the Medicaid
25 program?

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1 A They would have to verify that they were pregnant.

2 Q And if a minor female provided proof of her pregnancy and
3 needed medical benefits in 1994, did that female still need to
4 go through the same process of the application and eligibility
5 determination that you described?

6 MR. CANNICK: May we approach, Your Honor?

7 THE COURT: Sure.

8 (Sidebar.)

9 (Continuing on the following page.)

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Sidebar

3705

1 (Sidebar conference held on the record in the
2 presence of the Court and counsel, out of the hearing of the
3 jury.)

4 MR. CANNICK: Your Honor, I was trying to figure out
5 where this testimony was going and I think it finally hit me
6 that it seems this testimony is being elicited to establish
7 that Aaliyah was pregnant. It has absolutely no evidence of
8 that.

9 Maybe I'm missing the boat.

10 THE COURT: The AUSA is shaking her head.

11 MS. MELENDEZ: That's incorrect. What I'm
12 establishing is the general overall process for applicants to
13 obtain an identification card. He indicated there was an
14 exception and I wanted to make clear what that exception is.

15 THE COURT: Is this related to the cards that were
16 found in the search warrant?

17 MS. MELENDEZ: No. On the application for marriage
18 between Aaliyah and the defendant, there is an Illinois
19 Department of Public Aid number referenced at the top of that,
20 and there was testimony that that was what was used for the
21 purposes of indicating Aaliyah Haughton's age at the time.

22 THE COURT: So I think I am the thick one here.
23 What is the bottom line? What is he --

24 MS. MELENDEZ: As a general matter, two things.

25 One is that the process would not have happened in

Sidebar

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1 one day, which corroborates the idea that an individual --

2 THE COURT: I see.

3 MS. MELENDEZ: -- would have needed -- could have
4 been given some sort of currency or remuneration for the
5 purposes of bypassing that process.

6 THE COURT: Okay.

7 MS. MELENDEZ: And two, that a search of records for
8 Aaliyah D. Haughton came up with no records.

9 THE COURT: All right.

10 MR. CANNICK: Just a quick response.

11 We haven't gotten any testimony that someone -- we
12 haven't got any testimony that someone is saying that I
13 received a gratuity to expedite this process.

14 THE COURT: This is that wonderful instruction I
15 give on circumstantial evidence, that I think there has been
16 evidence from that somewhat reluctant gentleman, whose name
17 escapes me right now.

18 MS. MELENDEZ: Demetrius.

19 THE COURT: Mr. Smith, that he paid somebody off at
20 the Department of Public Aid.

21 MR. CANNICK: And we're not going to have any
22 testimony from anyone at the Department attesting to that?

23 THE COURT: Well, we have the guy who made the
24 payment.

25 And now you have a guy who is saying this is what

Sidebar

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1 the real process is, and the testimony -- I take it that the
2 inference the government is seeking to draw is that they got
3 whatever documentation they needed in a very short time and it
4 never would have taken that long if they had done it the right
5 way.

6 Do I have that right?

7 MS. MELENDEZ: That's correct.

8 MR. CANNICK: I would have stipulated to that.

9 THE COURT: That's not my -- but I think we have got
10 to be getting there.

11 MS. MELENDEZ: We are. There's a few documents I
12 need to show.

13 THE COURT: And you do not have an objection to
14 those going in?

15 MR. CANNICK: Documents already in evidence?

16 MS. MELENDEZ: Not in evidence yet.

17 THE COURT: Why don't you show them to him. That
18 would be great.

19 (Sidebar ends.)

20 (Continuing on the following page.)

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Rosario - Direct - Cruz Melendez

3708

1 BY MS. CRUZ MELENDEZ:

2 Q Mr. Rosario, I think just prior to the short break I had
3 asked you whether or not a minor female who was coming to the
4 Department of Public Aid seeking Medicare benefits would still
5 need to go through the process that you testified about with
6 regard to application, interview and eligibility
7 determination; is that correct?

8 A Correct.

9 Q And again, that process took approximately 30 days?

10 A Correct.

11 Q At any point, including in 1994, were employees working
12 at the Department of Public Aid authorized to receive money,
13 gifts, property or other remuneration in exchange for
14 bypassing this process that you testified about?

15 A No.

16 Q So, for example, would an employee working at a local
17 office be authorized to obtain cash in exchange for giving
18 someone an identification card without this person first
19 applying for benefits or going through the eligibility
20 process?

21 A Correct.

22 Q Did the Department of Public Aid regularly keep records
23 regarding individuals who sought and received benefits from
24 the Department of Public Aid?

25 A Yes.

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1 Q And does the Department of Human Services and the
2 Department of Health and Family Services keep records from
3 when the Department was formerly part of the Department of
4 Public Aid?

5 A Yes.

6 MS. MELENDEZ: And, Your Honor, I believe there is
7 no objection to Government's Exhibit 903 and we would move it
8 into evidence.

9 MR. CANNICK: No objection.

10 THE COURT: Okay. That is in evidence.

11 (Government's Exhibit 903 was received in evidence.)

12 Q It may be semantics, but I just wanted to clarify. I
13 previously asked you whether or not -- I gave you an example
14 that an employee working at a local office, would that
15 employee be authorized to accept cash in exchange for giving
16 someone an identification card without this person applying
17 for benefits or going through the eligibility process. A
18 person would not be authorized; is that correct?

19 A Right, they were not authorized to do that.

20 Q So an employee would not be authorized to take cash to
21 bypass this process?

22 A Correct.

23 Q So I'm showing what's in evidence as Government's Exhibit
24 903.

25 Prior to your testimony here today, did you have an

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1 opportunity to review Government's Exhibit 903?

2 A Yes.

3 Q Generally speaking, what are we looking at here?

4 A This is from our -- I'm sorry.

5 This is from our legacy system. It is an MMIS
6 screen. It's a Medicaid Management Information Systems
7 screen.

8 Q And here we see -- just where my finger is pointed, you
9 see the name Demetrius Smith, correct?

10 A Correct.

11 Q And I want to direct your attention to -- you see there's
12 three series of entries here. I want to direct your attention
13 to the third line where it says 01 and then the column saying
14 BEG date. Is that beginning date?

15 A Correct.

16 Q And then the date listed under that column is
17 September 1st, 1990. And then the next column is end date,
18 January 25th, 1991.

19 What does beginning date to end date refer to there?

20 A That means that this individual was receiving benefits
21 from September 1990 through January 25th, 1991.

22 Q And from looking at this document, can you tell,
23 generally speaking, the type of benefit the individual in this
24 document, Demetrius Smith, was receiving?

25 A On the line you indicated, that person was receiving

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1 general assistance. That's a program that no longer exists in
2 the State of Illinois. It's a cash-only program for single
3 adults who do not have any independent children and meet the
4 guidelines for that program. We issued \$100 a month.

5 Q And showing here under what looks like regular CAT, is
6 that regular category?

7 A Correct.

8 Q And there is a 07 there. What does that represent?

9 A That represents the GA program.

10 Q That general assistance program?

11 A Correct.

12 Q And then just to the right of that is CTY. That column,
13 CTY, what does that mean?

14 A That's the county the office is from.

15 Q And then on this third line it says 223 here.

16 Do you see that there?

17 A Yes.

18 Q And then there's a series of numbers following that.

19 What does the 223 represent there?

20 A That's an identifier for a particular office in Illinois.

21 The 2 indicates it's any office in Cook County.

22 Q Now, what, if anything, does this tell you about whether
23 an application was submitted by Demetrius Smith or an
24 eligibility determination was made with respect to Demetrius
25 Smith?

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1 I'm sorry, was my question not clear?

2 Based on the fact that this document was in the
3 database, did Demetrius Smith fill out an application?

4 A Yes.

5 Q And was he determined eligible for the general assistance
6 program?

7 A Yes.

8 Q And just to be clear, in 1990 through 1991, the
9 Department was still known as the Department of Public Aid,
10 correct?

11 A Correct.

12 Q Now, prior to your testimony, are you aware that the
13 government subpoenaed records from the Department of Human
14 Services and the Department of Health and Family Services
15 seeking records pertaining to an individual named Aaliyah Dana
16 Haughton?

17 A Yes.

18 Q And did those subpoena requests include identifying
19 information for Aaliyah Haughton, such as name, date of birth
20 and social security number?

21 A Yes.

22 Q And were any records discovered at the Department of
23 Human Services and the Department of Health and Family
24 Services related to Aaliyah Haughton?

25 A None were discovered.

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1 MS. MELENDEZ: Your Honor, I'd just like to publish
2 for a brief moment Government's Exhibit 904 and Government's
3 Exhibit 905, which I believe defense counsel has --

4 THE COURT: Is that jury only?

5 MS. MELENDEZ: -- no objection.

6 Let's do jury only.

7 And I believe defense counsel has no objection, so
8 the government would offer.

9 MR. CANNICK: No objection.

10 THE COURT: Okay. That is in evidence.

11 (Government's Exhibits 904 and 905 were received in
12 evidence.)

13 MS. MELENDEZ: For 904, it doesn't need to be jury
14 only.

15 THE COURT: Okay.

16 MS. MELENDEZ: And here at the top it states
17 "Aaliyah Dana Haughton." There's a reference to a social
18 security number and a date of birth. And the area where "no
19 record" was checked, there's "no record of the person with the
20 name, including aliases, date of birth, social security number
21 or recipient ID number."

22 Government's Exhibit 905. Again just briefly with
23 respect to Aaliyah Dana Haughton, with respect to the name,
24 social security number and date of birth, no records were
25 found.

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1 Q Mr. Rosario, I just want to direct your attention to
2 Government's Exhibit 803(a), which is already in evidence.

3 Directing your attention to the top portion here
4 where it says IDPA 212096115, do you see that there?

5 A Yes.

6 Q Does that purport to be Illinois Department of Public Aid
7 identification number?

8 A Yes.

9 Q And do you see here where it says 212, those first three
10 numbers?

11 A Yes.

12 Q Is that a similar indicator as to -- with respect to the
13 records for Demetrius Smith, it's a different number, but is
14 it a similar office indicator?

15 A Yes.

16 Q And in 1994, what did 221 indicate -- I'm sorry, 212
17 indicate?

18 A 212 indicates the Woodlawn office. It's in the city of
19 Chicago.

20 Q So part of Cook County?

21 A Correct.

22 Q Now, as part of an employee in 1994, the Department of
23 Public Aid, were you familiar and did you receive training on
24 those local I.D. indicator numbers?

25 A Yes.

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1 Q And you testified that you, at some point, also became a
2 supervisor?

3 A Correct.

4 Q Did other employees receive training with respect to
5 those indicator numbers?

6 A All employees.

7 Q So is that something that an employee would know to use
8 as an indicator for an identification card?

9 A Correct.

10 MS. MELENDEZ: Nothing further.

11 THE COURT: Any cross-examination?

12 MR. CANNICK: None.

13 THE COURT: All right. Thank you so much. You can
14 step down.

15 THE WITNESS: Thank you.

16 (Witness excused.)

17 THE COURT: All right. As soon as the agent gets
18 back, we will continue with the direct examination of that
19 witness.

20 MS. GEDDES: Your Honor, while we are waiting, I can
21 offer some exhibits without the agent present, if that's okay?

22 THE COURT: Is there any objection to any of them?

23 MS. GEDDES: Well, some of them I'm sure they're not
24 because they're stipulations.

25 THE COURT: All right.

Proceedings

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1 MS. GEDDES: So the government offers 1006, 1010,
2 1013, and 1016.

3 THE COURT: All right. Those are in evidence.

4 MS. GEDDES: 1011 as well.

5 THE COURT: Okay, 1011.

6 (Government's Exhibits 1006, 1010, 1011, 1013 and
7 1016 were received in evidence.)

8 THE COURT: And just generally, what are they?

9 MS. GEDDES: Those are stipulations that were
10 entered in between the parties.

11 Do you want me to publish them?

12 THE COURT: You can publish them.

13 I do not think it is necessary to read them,
14 especially since I would like to get moving with this witness.
15 If necessary, they can be read at a different time, but I do
16 not think we need to do it now. I am not saying you cannot
17 read them, I am just saying let's move along with the witness.

18 (Witness enters the courtroom.)

19 MS. GEDDES: All right. I'll proceed with the
20 witness right now.

21 THE CLERK: The witness is reminded he is still
22 under oath.

23 THE WITNESS: Yes, ma'am.

24 MS. GEDDES: The government also offers in evidence
25 -- my understanding is there no objection. These are all

Proceedings

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1 travel records provided pursuant to business record
2 certificates. It's a long list.

3 THE COURT: Okay.

4 MS. GEDDES: 601.

5 THE COURT: Are they all in order?

6 MS. GEDDES: I'm just looking.

7 THE COURT: 601 through?

8 MS. GEDDES: 601 through 632.

9 THE COURT: Okay.

10 MS. GEDDES: 633(a) through (f), 634 and 635, 636(a)
11 and (b), 637(a) and (b), 638 through 640, 642(a) and (b), 643,
12 644(a) and (b), 645 and 645(a) through (d) -- I'm sorry,
13 646(a) through (d), excuse me.

14 The government also offers, as certified public
15 records, Government Exhibits 822 through 823 and 829.

16 THE COURT: I take it there are no objections to
17 those; is that correct?

18 MR. CANNICK: None.

19 MS. GEDDES: And then also as additional certified
20 public records, 801, 802, 804 through 812, 814 and 815.

21 THE COURT: And there is no objection to those
22 either, correct?

23 MR. CANNICK: No objection.

24 THE COURT: Okay.

25 (Government's Exhibits 601 through 632, 633(a)

Proceedings

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1 through (f), 634, 635, 636(a) and (b), 637(a) and (b), 638
2 through 640, 642(a) and (b), 643, 644(a) and (b), 646(a)
3 through (d), 822 through 823, 829, 801, 802, 804 through 812,
4 814 and 815 were received in evidence.)

5 MS. GEDDES: Your Honor, were those exhibits
6 admitted?

7 THE COURT: Yes.

8 MS. GEDDES: Thank you.

9 All right. May I approach very briefly?

10 THE COURT: You mean approach me or the witness?

11 MS. GEDDES: No, you, please.

12 THE COURT: Do we need the court reporter?

13 MS. GEDDES: Maybe.

14 (Sidebar.)

15 (Continuing on the following page.)
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Sidebar

3719

1 (Sidebar conference held on the record in the
2 presence of the Court and counsel, out of the hearing of the
3 jury.)

4 MS. GEDDES: So I was just going to ask this witness
5 about a BuzzFeed article that came out in July of 2017. And
6 I'm not going to ask for the contents, but Anna testified
7 about certain things that were going on in, you know, the
8 latter half of 2017 because both Jane's parents and Joy's
9 parents had made certain allegations in this BuzzFeed article.
10 So I just want to establish that there was an article in July
11 of 2017 where accusations that were made against the defendant
12 were made by Jane's parents. And I don't even have to say
13 Joy's parents, but just to explain why I -- the government
14 will argue the defendant had his girlfriends engage in this,
15 like, letter-writing campaign against their parents and to put
16 in the timing. I'm not seeking to introduce the allegations
17 themselves.

18 THE COURT: It seems to me more appropriate for a
19 stipulation, maybe, that there was an article.

20 MR. CANNICK: I think so, yes.

21 THE COURT: Because anybody can get up there and say
22 they read a BuzzFeed article. So they will stipulate that
23 there was an article in which the -- whatever happened.

24 MR. CANNICK: Right. We meet with him tomorrow and
25 I am going to discuss this with him, so -- and if we enter a

Sidebar

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1 stipulation, we can read it first thing on Friday morning.

2 THE COURT: Okay. And then, I mean, I am letting
3 them go at 4:00, so I do not think we are going to finish with
4 him.

5 MR. CANNICK: How much more do you have?

6 MS. GEDDES: I'm just entering exhibits. I have
7 very, very, very little.

8 THE COURT: Is he necessary to do it, to enter it
9 in?

10 MS. GEDDES: I have a couple of questions about
11 dates for him, but no, not for the most part.

12 THE COURT: The only thing I would say is there does
13 not seem to be a whole lot of controversy about any of these
14 items of evidence.

15 MR. CANNICK: Right.

16 THE COURT: And if you agree that they can go in,
17 they do not necessarily have to go in through him.

18 MR. CANNICK: Right.

19 THE COURT: And again, I once was a lawyer and I
20 hated when judges did this, but I have forgotten all that now.
21 So I am just saying it is not necessary to do it with him.
22 They will all come into evidence then.

23 The other thing is, just as human beings, the jury
24 is not going to retain any of these, so that is why I --

25 MS. GEDDES: To be clear, I wasn't -- there are a

Sidebar

3721

1 couple of additional questions I need to elicit, that I need
2 to get out those facts, but --

3 THE COURT: You can.

4 MS. GEDDES: -- I'm not planning on going through a
5 lot of things. I just need to get them into evidence.

6 THE COURT: All right.

7 MR. CANNICK: What was Kyla [REDACTED] date of birth?

8 MS. GEDDES: She turned 18 in March of 1999 -- 1991.
9 I could be off by the month.

10 THE COURT: All right. I am not trying to cramp
11 your style.

12 (Sidebar ends.)

13 (Continuing on the following page.)

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Chabot - Direct - Geddes

3722

1 THE COURT: All right. I understand there are a
2 number of other exhibits but there is no objection to them.
3 And we can put those into evidence at some point, I just think
4 we might want to focus on the witness, which I am not saying
5 you were not doing, but let's get those questions that he can
6 answer.

7 **RYAN CHABOT**, having been previously sworn, was examined and
8 testified as follows:

9 CONTINUING DIRECT EXAMINATION

10 BY MS. GEDDES:

11 Q Are you familiar with the screening of the -- with a
12 screening of the *Surviving R. Kelly* documentary at the
13 NeueHouse in Manhattan?

14 A I am.

15 Q What was the date of that screening?

16 A December 4th of 2018.

17 Q And I'm showing -- and are you familiar with the airing
18 on Lifetime of the *Surviving R. Kelly* docuseries?

19 A I am.

20 Q What was the date that -- were there two parts to that
21 docuseries?

22 A That's correct.

23 Q What was the date of the -- that the first part of that
24 docuseries was first aired?

25 A January 3rd of 2019.

Chabot - Direct - Geddes

3723

1 Q And how about the second part of the *Surviving R. Kelly*,
2 when, approximately, was that aired?

3 A The following year, January 2nd of 2020.

4 Q And were each of those parts, were they aired over a
5 period of a couple of nights?

6 A That's correct.

7 MS. GEDDES: The government offers 515(a) through
8 (c).

9 THE COURT: No objection?

10 MR. CANNICK: No objection.

11 THE COURT: Okay. Those are in.

12 (Government's Exhibits 515(a) through (c) were
13 received in evidence.)

14 Q And I am showing you 515(a), 515(b), and 515(c).

15 Did you take those photographs?

16 A I did.

17 Q What are they of?

18 A The NeueHouse in Manhattan.

19 Q Where that docuseries -- there was an airing of the
20 docuseries on December 4th of 2018?

21 A Correct.

22 MR. CANNICK: 2018 or 2019?

23 MS. GEDDES: 2018.

24 MS. GEDDES: I'm showing the witness what's in
25 evidence as Government's Exhibit 240(z), as in zebra.

Chabot - Direct - Geddes

3724

1 Q Do you see what is shown in 240(z)?

2 A It's a little blurry.

3 Q Sorry.

4 Is government -- can you see that now?

5 A I can.

6 Q Is Government Exhibit 240(z) a printout of a contact that
7 was saved in a cellular telephone provided by Alesiette
8 Mayweather?

9 A It was. Or it is. I'm sorry.

10 MS. GEDDES: All right. I just want to offer a
11 series of exhibits and publish a few things and then I should
12 be done with this witness.

13 THE COURT: Sure.

14 MS. GEDDES: The government offers 515(a) -- oh, I
15 just offered that, sorry -- 918, 942, 161(a), 944, 917(a),
16 917(b), 914(b), 919, 920 and 921, and 940(b), (c), (d) and
17 (e), 914(d), as in David, and 941(a), (b), (d) and (e).

18 MR. CANNICK: Your Honor, we would object to all of
19 those items.

20 THE COURT: Well, I have not seen them, so why don't
21 you show me what they are with the court reporter?

22 (Sidebar.)

23 (Continuing on the following page.)

24

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Sidebar

3725

1 (Sidebar conference held on the record in the
2 presence of the Court and counsel, out of the hearing of the
3 jury.)

4 THE COURT: Can I just see what they are?

5 MS. GEDDES: Sure.

6 I think it's probably easier if I describe them
7 generally. These are a series of exhibits related to a
8 Facebook page created by Donnell Russell. It's the Surviving
9 Lies Facebook page where the explicit photographs of Faith
10 were published for some period of time before they were taken
11 down by Facebook. There has already been ample evidence
12 introduced in the record connecting the defendant to the
13 creation of this page and providing the very photographs that
14 were used in the page.

15 THE COURT: That is what I recall.

16 MR. CANNICK: I don't recall there being any
17 evidence that Kelly was involved with the creation of the page
18 or having any control of the page.

19 THE COURT: Not the creation of the page, but there
20 is -- I mean, you guys know the case better than I do, but
21 there are a series of texts from him to Donnell Russell which
22 he gives the photographs, if I am recalling correctly, of
23 Faith. And then, if my recollection is correct, Mr. Russell
24 is saying he is going to do something with them. There is
25 also evidence in the form of those letters to the lawyer

Sidebar

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1 threatening pretty much the same thing. It is certainly
2 relevant.

3 I think -- well, I will give them an instruction. I
4 cannot really even think of an instruction to give. I mean,
5 if you can think of one you want me to give. I mean, it seems
6 to me more of an argument for summation.

7 MR. CANNICK: I will note my objection to it. I
8 will think about the instruction.

9 MS. GEDDES: And then while we're up here -- I
10 didn't know you were going to object to those, but we also
11 want to play two very brief excerpts from a YouTube recording
12 of Donnell Russell where he talks about his relationship with
13 the defendant just identifying himself as --

14 MR. CANNICK: I strenuously object to that.

15 MS. GEDDES: It's in the binder.

16 THE COURT: Does he talk about his relationship to
17 the defendant?

18 MS. GEDDES: It's the 922(a) and he identifies
19 himself as a friend and in management. But in that same blog,
20 he then goes on and carries out some of the stalking, where he
21 is talking negatively about Faith, and so it is part and
22 parcel of this whole thing. It's a very brief --

23 MR. CANNICK: Judge, this is akin to [REDACTED] claiming
24 a relationship between he and my client and going out and
25 offering a bribe, saying that this was being done with my

Sidebar

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1 client's --

2 THE COURT: I am not going to permit the blog.
3 First of all, I have read it. I must say, I did not really
4 understand it, but it does not say that much about his
5 connection to it and it is somewhat different than what
6 connects the other things, that connect the defendant to it.
7 So you come in second on that one.

8 MS. GEDDES: But we're good on these exhibits?

9 MR. CANNICK: Over my objection.

10 THE COURT: Yes.

11 Yes, and you have an objection.

12 You all have objections.

13 (Sidebar ends.)

14 (Continuing on the following page.)

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Proceedings

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1 MS. GEDDES: All right. I would like to just
2 briefly publish 940(b).

3 Those exhibits are admitted, correct, Judge?

4 THE COURT: Yes, they are all admitted, with one --
5 well --

6 MS. GEDDES: I didn't offer that exhibit, or that
7 was not in my list.

8 (Government's Exhibits 918, 942, 161(a), 944,
9 917(a), 917(b), 914(b), 919, 920, 921, 940(b), (c), (d) and
10 (e), 914(d), 941(a), (b), (d) and (e) were received in
11 evidence.)

12 MS. GEDDES: This is 940(b) and it is an e-mail from
13 an e-mail address colondunn@yahoo.com to individuals at
14 aenetworks.com. And then in the bcc column is an address for
15 csstudios@me.com, as well as some others, including
16 don@indybuild.com and jbarrett@indybuild.com.

17 And it reads: "I've been asked to forward you a
18 sample from the content within the package we are forwarding
19 to various parties of interest later today. The complete
20 presentation will be accompanied by a cease and desist demand
21 and the legal document that will be filed in federal court."
22 And it goes on to provide the dates.

23 And on the second page it says, "Survivor No. 3,
24 Jerhonda and Pace Johnson," and then some things that have
25 been redacted from this exhibit.

Proceedings

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1 And then Survivor --

2 THE COURT: You need to jury only?

3 MS. GEDDES: Sorry, jury only.

4 Survivor No. 7, and it lists the first and last name
5 for the individual who testified as Faith.

6 And then also for the jury only, a series of
7 photographs and then a series of photographs of text messages.
8 And the final page says, "To be continued..."

9 942, which is in evidence, this is a Facebook
10 business record -- this is 942 -- for an account named
11 Surviving Lies. And the creator is Colon Dunn, the same
12 individual listed on the exhibit I just -- the same individual
13 named in the Yahoo address in 940(b).

14 And 919, which is in evidence. I'm showing 942, and
15 you can see that there is a lengthy series of numbers ending
16 -- and it says "target" and it ends in 8261. It has a
17 cellular telephone of (312) 203-3030.

18 And now showing 919, again for the jury only,
19 please. It's that same target number that was listed in 942
20 for the account titled Surviving Lies. And again on this
21 Surviving Lies host are various posts, including the same
22 screenshots that were provided before in the e-mail just
23 shown. And there's a status that states Faith, and it has the
24 first and last name, the other side.

25 (Continuing on the following page.)

Chabot - direct - Geddes

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1 BY MS. GEDDES: (Continuing)

2 Q And then on page, what's listed on page 292 of Government
3 Exhibit 919 is a post, there is an image posted and it
4 indicates, "Deleted by Facebook" and the album there again
5 says, "Deleted by Facebook." It indicates that it was
6 uploaded on January 7th of 2019. Then on the following page
7 in response to that, someone wrote, "Posting revenge porn on
8 your website is illegal."

9 Special Agent Chabot, is the return shown or the
10 record shown in Government Exhibit 919 a return provided by
11 Facebook following a search warrant on a particular Facebook
12 account?

13 A Yes.

14 MS. GEDDES: I'm showing the witness only what's
15 been marked for identification as Government Exhibit 345 and
16 there's been testimony previously about 345.

17 Q Is that the cellular telephone that was seized from the
18 defendant upon his arrest on July 11th of 2019?

19 A It was. It is.

20 MS. GEDDES: The government offers Exhibit 345.

21 MR. CANNICK: No objection.

22 THE COURT: That's in evidence.

23 (Government Exhibit 345 so marked.)

24 MS. GEDDES: I have a series of additional exhibits.
25 I just want a moment to make sure I don't have anything else I

Chabot - direct - Geddes

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1 need to ask.

2 THE COURT: Sure.

3 (Pause.)

4 MS. GEDDES: I'm showing the witness only what's
5 been marked for identification as Government Exhibit 14. And
6 I'm showing what's in evidence as Government Exhibit 823, a
7 certified DMV record for Donnell Russell.

8 THE COURT: Do you have any objection to those going
9 into evidence, Mr. Cannick?

10 MS. GEDDES: This is in evidence.

11 THE COURT: Oh, it's in.

12 MS. GEDDES: If we can publish this, please.

13 Q And then Special Agent Chabot, is that the same
14 individual in Government Exhibit 14, is that the same
15 individual shown in 823?

16 A Yes.

17 MS. GEDDES: The government offers 614.

18 THE COURT: I think there wasn't an objection. Is
19 that right?

20 MS. GEDDES: 14.

21 THE COURT: I still think there wasn't an objection.

22 MR. CANNICK: No objection.

23 THE COURT: It's in evidence.

24 MS. GEDDES: Thank you.

25 (Government Exhibit 14 so marked.)

Chabot - cross - Cannick

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1 MS. GEDDES: All right. Your Honor, subject to our
2 discussion earlier, I have a series of additional evidence but
3 I don't think I have other questions for this witness.

4 THE COURT: All right. And I just want to make sure
5 that I understand and we don't have to do this in front of the
6 jury but I'm fairly certain there's no objection to any of
7 them, is that right?

8 MR. CANNICK: That's correct.

9 THE COURT: All right. So we can put on the record
10 what those are but let's continue with the cross-examination
11 of the witness by Mr. Cannick.

12 MR. CANNICK: Your Honor, before I begin, may we
13 have a brief sidebar?

14 THE COURT: Surely. Do you want the court reporter?

15 MR. CANNICK: No.

16 (Discussion off the record.)

17 CROSS-EXAMINATION

18 BY MR. CANNICK:

19 Q You testified earlier -- well, let me withdraw.

20 You heard a long audio and that audio, there was no
21 video to it, the audio of someone that you said was Mr. Kelly
22 and a female. Who was the female?

23 MS. GEDDES: Objection.

24 THE COURT: Do you know who the woman was or the
25 girl or female?

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1 THE WITNESS: I don't.

2 Q So and you made no effort to try to learn that person's
3 identity?

4 MS. GEDDES: Actually, one moment. May I speak with
5 counsel?

6 THE COURT: Sure.

7 (Pause.)

8 Q The last audio that we listened to, that's what I was
9 referring to, regarding the theft of a watch.

10 A Okay.

11 Q The \$30,000 watch.

12 A Okay.

13 THE COURT: The question is do you know who that
14 person is.

15 THE WITNESS: I have an idea who it is, yes.

16 Q But as you sit here today, you have no actual knowledge;
17 you just have an idea?

18 A Because I haven't talked to that individual.

19 Q Okay.

20 THE COURT: I didn't hear that last thing you said.

21 THE WITNESS: I haven't spoken with that individual
22 to verify they're on that.

23 THE COURT: Okay.

24 Q Now, you also were shown a bunch of letters and some of
25 those letters were signed by Jane and then some of them just

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1 had a squiggle. Do you know the dates on those letters?

2 Did you see dates on those letters?

3 A Not offhand. I would have to look at them again if there
4 were some.

5 Q And you testified that about a safe that you found in the
6 storage?

7 A Yes, sir.

8 Q And you testified and told the jury that that safe was
9 used by Mr. Kelly?

10 A I believe it was.

11 Q You believe it was but you don't know if it was used by
12 Mr. Kelly, am I correct?

13 A Only that it was in that storage unit.

14 Q It was only in that storage unit, but you never saw
15 Mr. Kelly put anything in that safe?

16 A No, sir.

17 Q You don't know who's been to that safe, am I correct?

18 A I do not.

19 Q You don't know who put stuff in or who took stuff out?

20 A Only that we took stuff out.

21 Q Only that you took stuff out. That's the only thing that
22 you can tell the jury that happened a hundred percent, am I
23 correct?

24 A Yes, sir.

25 Q Okay. Now, you testified about a document that you

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1 identified as being something that belonged to, some type of
2 identifying document that belonged to Jerhonda Pace?

3 A Yes.

4 Q And you testified that there appeared to be a "3" that
5 was changed to a zero?

6 A Correct.

7 Q And by the way, did you ever go to the official agency,
8 the agency that issued that document?

9 A Which document are you talking about?

10 Q The one that you said a zero was changed to a "3" or a
11 "3" to a zero?

12 A That would be the State of Illinois DMV, I believe.

13 Q Right. Did you go there to ask, to look at the original
14 document?

15 A We got the original document.

16 Q And you saw that the original document was a zero as
17 opposed to a "3"?

18 A No. It was the other way around, sir.

19 Q "3" as opposed to a zero?

20 A Yes.

21 Q Do you know who changed that document?

22 A No, I do not.

23 Q Okay. Now, just a few more.

24 What day was Mr. Kelly arrested?

25 A The date, sir?

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1 Q Yes.

2 A It was on the 11th of July in 2019.

3 Q And what's the date that you executed a search warrant on
4 the storage?

5 A That was January 9th of 2020.

6 Q So almost five, six months later, after he had been in
7 custody, am I correct?

8 A Correct, sir.

9 Q Now, you don't know who, if anyone, visited that storage
10 and went into that safe deposit, safe box in the interim, do
11 you?

12 A I do not, sir.

13 Q And when was it you executed the search warrant on his
14 home?

15 A That was the same day of his arrest.

16 Q Okay. And when you executed this search warrant on the
17 storage unit, Jane was still staying at the home at Trump
18 Plaza?

19 A I believe so.

20 Q And to your knowledge, she was in that home from the time
21 of Mr. Kelly's arrest until the execution of that search
22 warrant, am I correct?

23 A I don't know that, sir.

24 Q Okay. Now, at some point in time being the case agent,
25 you learned that Homeland Security had a discussion --

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1 withdrawn.

2 You learned during, as the case agent, that Homeland
3 Security had visited Mr. Kelly's home and had a conversation
4 with Jane regarding her wellness, am I correct?

5 MS. GEDDES: Objection.

6 THE COURT: You can answer the question if you knew
7 whether this happened or not. Did you do it?

8 THE WITNESS: I did not.

9 Q Did you review records indicating that that happened?

10 A I don't believe so.

11 Q And when did you become the case agent?

12 A I became co-case agent approximately one year after his
13 arrest.

14 Q After his arrest?

15 A Correct.

16 Q So you won't know much about what happened before his
17 arrest?

18 A Not true, sir.

19 Q Not true? Well, that's what I'm getting to. Did you
20 review the case files?

21 A I have a lot of them, yes, most of them, I would say so.

22 Q You have most of them?

23 A I don't know what specific time period you're talking
24 about though, sir, of somebody visiting the house.

25 Q Did you review records going back through the 1st of

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1 January, January 1, 2019 until the date of your execution of
2 the search warrant?

3 A Yes, I have.

4 Q And during that time period, you did not see any records
5 indicating that Homeland Security had interviewed Jane at that
6 home regarding her wellness?

7 MS. GEDDES: Objection.

8 THE COURT: Overruled.

9 A I know that she was interviewed. I don't know if it was
10 at the house. I can't recall offhand.

11 Q Do you recall when it was that she was interviewed?

12 A I believe it was after his arrest.

13 Q Okay. What I'm talking about -- withdrawn.

14 What day are you talking about?

15 A Specific date? I don't know.

16 Q And --

17 A The only time I'm aware, sir, she was interviewed was
18 after Mr. Kelly was in custody.

19 Q Okay. And you have no indication, you read no reports
20 about her being interviewed by Homeland Security regarding her
21 wellness before that date?

22 MS. GEDDES: Objection.

23 THE COURT: Well, you can't ask him any questions
24 about the contents of any such report, but you have no
25 information about it?

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1 THE WITNESS: If it was prior to that date, I don't
2 believe it was my office.

3 MR. CANNICK: Thank you.

4 THE COURT: Nothing else?

5 MR. CANNICK: Nothing else.

6 THE COURT: Anything on redirect?

7 MS. GEDDES: One moment.

8 (Pause.)

9 MS. GEDDES: No questions.

10 THE COURT: Okay. Thank you so much. You can step
11 down.

12 (Witness excused.)

13 THE COURT: I'm going to let you go in a minute.
14 I'm just going to try to get an idea of the schedule here so
15 let me see the parties at the side. We don't need the court
16 reporter for this.

17 (Discussion off the record.)

18 THE COURT: All right. So we are done with
19 witnesses today. We're going to be off tomorrow and so to all
20 those who observe, I hope you have a good day and I hope
21 everybody enjoys the day off.

22 Again, it is critically important that you not look
23 anything up about the case, that you not have any
24 conversations with anybody about it, that you not read or
25 listen to any accounts of the case in any way, shape or form.

CMH

OCR

RMR

CRR

FCRR

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1 I say it every day but I say it every day because it is so
2 important.

3 We are going to resume on Friday at 9:30 and then
4 I'll be able to give you a little bit better idea of schedule
5 but we're getting close.

6 So, everybody, please stay healthy and I will see
7 you on Friday. Thank you so much.

8 (Jury exits.)

9 THE COURT: All right. Everybody can have a seat.

10 Just as a little wrap-up, we were discussing
11 scheduling and I think the government anticipates calling two
12 witnesses on Friday.

13 There was a third witness that was proposed which
14 was related to Louis' testimony but Mr. Cannick has said he's
15 not going to make an issue about that particular aspect of
16 Louis' testimony, in particular, whether or not this, the
17 other worker at the McDonald's restaurant, whether or not the
18 defendant wanted to meet her and whether he passed on a phone
19 number to her. It doesn't sound particularly controversial
20 but I'm told that that's not going to be something that the
21 defense contests. So that's that.

22 So I'll have those two witnesses and I anticipate,
23 depending on lots of things, that the government will probably
24 rest on Friday.

25 Correct?

CMH

OCR

RMR

CRR

FCRR

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1 MS. GEDDES: That's correct, Your Honor.

2 THE COURT: And then I'm not going to ask for
3 specifics about the defense but I'm assuming there's some
4 case?

5 MR. CANNICK: There is.

6 THE COURT: All right. And so the only thing that I
7 would tell you to do is to make sure the government knows whom
8 you plan to call --

9 MR. CANNICK: Yes, Your Honor.

10 THE COURT: -- before the weekend.

11 You look stunned.

12 MR. CANNICK: Well, can we let them know on
13 Saturday?

14 THE COURT: I can't hear you. I'm so sorry.

15 MR. CANNICK: I get allergies in the afternoon and
16 my ears are all stopped.

17 THE COURT: Well, all I need is microphones.

18 MR. CANNICK: Can we let them know on Saturday
19 because we anticipate folks coming into town and we'll know
20 who's here?

21 THE COURT: All right. I mean, as long as it's
22 early on Saturday. I mean the other thing too is if you
23 get -- I don't think there are any big mysteries here about
24 who the universe of people might be.

25 MR. CANNICK: Right.

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1 THE COURT: So what I would think would be probably
2 the better practice would be let them know whom you might call
3 and then on Saturday, confirm which of those, if any, you plan
4 to call.

5 MR. CANNICK: Sure.

6 THE COURT: Okay. Great.

7 MS. GEDDES: Your Honor, can we raise one other
8 thing, two other things?

9 THE COURT: Surely.

10 MS. GEDDES: First, we have repeatedly talked about
11 entering evidence of particular concerts that happened in 1994
12 and also in 2003. The government has newspaper articles to
13 corroborate that each of those concerts took place on the
14 dates that the government has provided to defense counsel and
15 we had hoped to enter into a stipulation.

16 In addition, as we discussed yesterday, we sought to
17 introduce Government Exhibit 948 showing that Demetrius Smith
18 was, in fact, serving as his tour manager in August of 1994
19 and, specifically, that he was in attendance at a concert that
20 occurred in Albany, Georgia.

21 THE COURT: Is there any dispute that he was his
22 tour manager in 1994? Is the defense disputing that?

23 MR. CANNICK: Probably not.

24 THE COURT: Okay. I mean, it doesn't -- this,
25 again, seems to be one of these issues that it's not

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1 particularly controversial, that the defendant had
2 performances in various places on various dates and that --
3 didn't Mr. Smith testify that he was --

4 MS. GEDDES: He did testify and it's his
5 corroboration of his testimony that he was, in fact, with the
6 defendant the day after they obtained the age with the
7 identification.

8 THE COURT: Okay. So I mean, obviously, if that's
9 not going to be contested, you don't need to corroborate every
10 single thing that the person said. That would surprise me if
11 that was a dispute. Is that a dispute?

12 MR. CANNICK: We have to find out what his official
13 title was, Your Honor, but it's a situation where that was not
14 something that we're planning on making the crux of our
15 defense.

16 THE COURT: So here's the thing. I've seen some of
17 the newspaper articles, the content of them is not relevant
18 but there are parts of them that mention that he was there and
19 what I will permit, if he can't stipulate to precisely these
20 things, is I'll permit the government to offer the newspaper
21 article with the date, the location, the fact that there was a
22 concert and the little snippet that says that Mr. Smith was
23 there because it's relevant. I don't think, just remembering
24 what the rest of the article was, I don't think it is
25 necessary and I think you would probably object to that.

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1 So that's my ruling on that. If you can stipulate,
2 you can stipulate. If not, I'll let you put it in that way.

3 Anything else?

4 MS. GEDDES: And similarly, there are some
5 additional concert dates that we want to establish by
6 newspaper article. I don't believe there's anything
7 controversial in the newspaper articles themselves. We had
8 hoped to reach a stipulation.

9 THE COURT: Isn't there some kind of a schedule?

10 MR. CANNICK: Yes. That's what I told the
11 government yesterday, that we have the archives and we have no
12 problem with the archives going in.

13 THE COURT: So this is what I'm going to suggest
14 again. Otherwise, I'll permit the same thing that I just
15 described. If you can agree on the dates and the cities, do a
16 stipulation with those dates and cities, that can be submitted
17 to the jury. If you can't, I'll permit the government to put
18 it in in the same way that I'm permitting the other, the other
19 redacted article.

20 Okay. Anything else?

21 MS. GEDDES: We would ask that defense counsel
22 provide us a copy of their exhibits that they've entered to
23 date as well as any 3500 material or other discovery related
24 to any witnesses they intend to call.

25 THE COURT: Right. Does any -- well, you don't know

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1 who you're calling yet but, obviously, the disclosure
2 obligations apply.

3 MR. CANNICK: We have no 3500.

4 MS. GEDDES: And just to be clear, I'm reminded that
5 it's Rule 26.

6 THE COURT: Rule 26, I think.

7 MS. GEDDES: Right. It's our obligation, 3500.

8 THE COURT: So I know you're aware of your
9 obligations and you'll comply with them.

10 MS. GEDDES: Similarly, to the extent that they
11 intend to introduce any exhibits, we would request copies of
12 that in advance of their testimony.

13 MR. CANNICK: We appreciate that.

14 THE COURT: That's not a yes.

15 MR. CANNICK: Yes, Your Honor.

16 THE COURT: Okay. Good.

17 Anything else? Okay. Thank you so much.

18 Before we go, just a reminder to everybody about any
19 additional requests to charge. I want to have them, I'd like
20 to have them by Friday. I mean, they were submitted prior to
21 trial so it shouldn't be a huge list. All right.

22

23 (Matter adjourned to September 17, 2021 at 9:30 a.m.)

24

25

I N D E XWITNESSPAGE

RYAN CHABOT

DIRECT EXAMINATION BY MS. GEDDES

3634

MARGARO ROSARIO

DIRECT EXAMINATION

BY MS. CRUZ MELENDEZ

3694

RYAN CHABOT

CONTINUING DIRECT EXAMINATION

BY MS. GEDDES

3722

CROSS-EXAMINATION BY MR. CANNICK

3732

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Government Exhibit 130(e)

3634

Government Exhibits 412, 413 and 414

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Government Exhibit 511, 968 and 967

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Government Exhibits 927 and 973

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